The Human Rights Center *Viasna*

Review-Chronicle

of Human Rights Violations in Belarus in 2010

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The book was prepared on the basis of the short reviews of human rights violations for each month of 2009. It opens with a general analysis of the socio-political situation during the specified period, a description of important events and the reaction of the international community to them. This is followed by concrete facts of human rights violations illustrating the history of struggle of the Belarusian democratic community for the fundamental rights and freedoms. Politically motivated criminal and administrative persecution, trampling of the freedom of word, bans on peaceful assemblies and deprival of the right to association are among the most frequent violations. The book also features photos from the internet sources photo.bymedia.net, belapan.by, nn.by, svaboda.org, spring96.org, etc.

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Foreword

2010 was a very dynamic and strained year in the country's life. In January, the electoral campaign to the local councils started (the election was appointed on 25 April). What is interesting, it was the first election held according to the amended legislation, that's why it was extremely important to analyze the electoral campaign and see how these changes influenced the democracy and transparency of the electoral legislation, taking into consideration that the presidential election was to be held at the end of the year.

The authorities continued keeping to the tactics of targeted suppression of civil and political activities which had been tested in 2009. In particular, 2010 started with an escalation of the long-lasting conflict with the disgraced Union of Poles in Belarus.

The authorities pursued the goal to deprive it of any influence by means of reprisals and persecution of its activists. A criminal case was instigated against Teresa Sobal, a regional activist of the organization, director of the Polish House in Ivianets. In February, a trial was held to take the Polish House in Ivianets from the disgraced Union of Poles and pass it to the other, pro-governmental Union of Poles, (established as a result of the split-up of one organization initiated by the authorities). All members of administration of the disgraced union got administrative punishments. The conflict got frozen only thanks to interference of the authorities of the Polish Republic.

The proceedings in the criminal case against a Vaukavysk entrepreneur, Mikalai Autukhovich, and his colleagues continued since 2009. Human rights defenders considered his imprisonment as politically-motivated, because M. Autukhovich tried to struggle against corruption among the local authorities.

A civil activist Yury Kazak was sentenced to a huge fine in January for spilling with paint the monument to Lenin on the central square of Navahradak, which was qualified as "hooliganism", though he did it to

protest against the communist heritage in Belarus, which continues to be promoted by the Belarusian regime.

Artsiom Dubski, a participant of the "Process of 14", continued serving his prison term till the end of March. He was declared a prisoner of consciousness by the human rights organization *Amnesty International*.

Young activists, forcedly and unlawfully drafted into the army because of their political convictions and activities in youth democratic organizations (Zmitser Khvedaruk, Andrei Tsianiuta and Franak Viachorka), continued serving in the army.

On 10 January a criminal case was instigated against Siarhei Kavalenka, a civil activist from Vitsebsk, who hanged out a national white-red-white flag (banned by the authorities) on the main New Year Tree of Vitsebsk on 7 January. He was severely beaten by the police during the detention. After six days of detention, he was released under a written recognizance not to leave. In May 2010 the Kastrychnitski District Court of Vitsebsk sentenced S. Kavalenka to three years of personal restraint without direction to an open penitentiary institution.

Young people who refused to serve in the army because of their religious convictions were persecuted as well. For instance, Ivan Mikhailau, a believer of a Protestant community, was kept in the Zhodzina pre-trial prison since December 2009, on charges under Article 435 of the Criminal Code, "Evasion from military service". On 1 February 2010 he was sentenced to three months of arrest. *Amnesty International* declared I. Mikhailau a prisoner of consciousness. At the end of 2009, a Homel citizen Dzmitry Smyk, a believer of the religious community *Jehovah's Witnesses*, was sentenced to pay a huge fine. In December 2009 the verdict was left standing by the Homel Region Court, and only in March 2010 the Supreme Court issued a protest against the verdict and returned the case for the second trial.

Civil activists continued to be sentenced to various kinds of administrative punishment. In particular, the Vitsebsk activists A.

Halavan, V. Ramanenka and T. Surhan were groundlessly arrested and sentenced to fines and administrative imprisonment, which can be considered as revenge of the law machinery for hanging out the white-red-white flag by S.Kavalenka.

The authorities continued banning mass events and denying state registration to new NGOs, political parties and mass media. In particular, on 3 February Ivan Shulha, a member of the Belarusian Association of Journalists, was arrested. He was detained in Minsk during an attempt of the police to burst into the apartment where a correspondent point of the Belarusian-language satellite TV channel *BelSat* (not registered with the state) was situated at the time. In February 8 independent editions received registration denials, as well as the civil association *Brest Spring* and the Belarusian Christian Democracy party.

February 2010 was defined by the consequently violent dispersal by the police of several public events in Minsk on 8, 14 and 16 February. Their participants were beaten during the detention, transportation to the police department and even at the department. Journalists were hindered in making shots of the detentions. As a result, Belarusian human rights organizations made an unprecedented step and addressed the law-enforcement agencies with the proposal to hold negotiations concerning the violent treatment of participants of peaceful street actions and the groundless reprisals against activists of the Union of Poles in Belarus. An appropriate address was adopted by the human rights defenders. No representatives of the administration of the Ministry of Interior, KGB, and procuracy came to the interrogations, ignoring the receiving invitation. However, this step had a positive impact and resulted in the decrease of the level of violence against peaceful demonstrators for several months.

In February, a civil activist from Vitsebsk, Aleh Surhan, was sentenced to six months of arrest for an «assault on a policeman». Earlier, he had been repeatedly detained by the police for hanging out white-red-white flags in Vitsebsk. He was severely beaten during one of the detentions. When he lodged a complaint against a policeman, the latter lodged a counter-claim,

which was granted by the court. Human rights defenders assessed this verdict as politically motivated and declared A. Surhan a political prisoner.

February was also marked with purposeful persecution of independent Belarusian journalists. Making use of the so-called «hunters' case» and allegations of libel on a KGB general, Ivan Korzh, investigators interrogated the Deputy Editor of the *Narodnaya Volia* newspaper, Maryna Koktysh, and the Chief Editor, Sviatlana Kalinkina. Their apartments were searched and computers were confiscated. The case continued in March: searches, accompanied with confiscation of computer equipment, were held at the office of *Charter'97,* in the apartment of its editor Natallia Radzina, journalists Iryna Khalip and Maryna Koktysh. Of course, in such a way the authorities exercised psychological pressure on independent journalists, who faced the threat of becoming not witnesses, but accused in the criminal case.

An unexpected blow was delivered on the Protestant Church *New Life*, whose conflict with the Minsk authorities, who wanted to take away the church building, has a long history. The religious community was fined a sum equal to about $90,000

In March 2010 the Belarusian authorities showed how inconsequent the policy of "liberalization" declared by them was. As human rights defendants learned from relatives of death convicts, two people were executed despite numerous calls of the international community to refrain from the execution of death sentences. The request of the UN Human Rights Committee, which had accepted the individual communications of the convicts, was ignored as well. International organizations (the Council of Europe, the European Parliament and the Parliamentary Assembly of the OSCE) were astonished at the cruelty of the Belarusian authorities and expressed their indignation and regret. The UN Human Rights Committee accused the Belarusian authorities of violating international undertakings.

The European Parliament Resolution of 10 March expresses dismay in connection with violation of one of the fundamental rights and freedoms of Belarusian citizens. European MPs warned the official

Minsk that deterioration of the situation can lead to cessation of the EU dialogue with Belarus.

The authorities consequently put obstacles to the holding of mass peaceful actions. Sound-amplifying equipment was detained during the preparation of the 25 March, Freedom Day action. Some civil activists were preventively detained as well.

The election to the local councils was held in April 2010. Taking into consideration the scanty role of the local councils in the present state system, the campaign didn't bring on an increase of the civil activity. Nevertheless, the human rights organizations which held the civil monitoring campaign *Human Rights Defenders for Free Elections*, concluded that there were no significant changes in the electoral process despite the amendment of the electoral legislation. The authorities ignored the recommendations for development of the electoral legislation which were made by Belarusian political parties and NGOs and BDIHR OSCE. Human rights defenders registered mass violations of democratic election standards.

The authorities also started criminal proceedings against Ales Zarembiuk, a civil activist from Masty, former deputy of the local council. He was charged with "fraud". As a result, he had to ask for political asylum in Poland. Several regional activists were dismissed from work.

At the end of April, the office of Zmitser Salauyou, Navapolatsk human rights defender, was searched. A computer, CDs, printed materials and white-red-white flags were confiscated as a result. Mr. Salauyou was suspected of painting swastikas on the walls of Navapolatsk buildings, though he had repeatedly addressed the procuracy with demands to instigate criminal case concerning these facts. Z. Salauyou is of the opinion that the search was connected to the upcoming presidential electoral campaign.

In the beginning of May 2010 the report of the Belarusian authorities on the situation of human rights in Belarus was considered at the

session of the UN Human Rights Committee in Geneva within the procedure of the Universal Periodical Review. Belarusian human rights defenders prepared an alternative report where they set forth 47 recommendations to the Belarusian government for improvement of the situation of human rights in the country. The ambassadors of the EU countries, representatives of the Belarusian MFA and the Presidential Administration were familiarized with the results of their analysis in advance. Nevertheless, during the URP procedure representatives of the Belarusian government stated that freedom of association could be freely pursued, favorable conditions were created for the civil society and mass media were independent in Belarus. Representatives of Belarusian human rights organizations and the FIDH expressed a deep disappointment concerning the fact that the Belarusian authorities ignored the overwhelming majority of the recommendations that were given by other delegations and the Belarusian human rights defenders and concerned the main flaws in the sphere of human rights in Belarus.

On 6 March the Supreme Court of Belarus issued a verdict on the criminal case of Mikalai Autukhovich. The great attention from the side of the international community and the Belarusian human rights defenders made the Supreme Court refuse from the majority of charges, such as purposeful demolition or defilement of property and preparation of a terrorist act (for which the procuracy demanded to sentence M. Autukhovich to 20 years of imprisonment). As a result, three accused were found guilty of unlawful actions with firearms and explosives. M. Autukhovich was sentenced to 5 years and 2 months in a high security colony, and U. Asipenka and A. Laryn – to three years of imprisonment. Mikhail Kazlou, a former policeman, was sentenced to 2 years of imprisonment. Belarusian human rights defenders declared this trial politically motivated.

On 14 May the citizens of Hrodna Andrei Burdyka and Aleh Hryshkautsou were sentenced to death. Belarusian human rights defenders condemned the verdicts and pointed that they were issued just two days after severe and general criticism addressed to the Belarusian authorities during the Universal Periodical Review.

The approach of the presidential electoral campaign became really noticeable in May 2010. On 18-19 May tens of activists of the civil campaign *Speak Truth!* were subject to searches and interrogations. The leader of the campaign, poet Uladzimir Niakliayeu, and his aides Siarhei Vazniak and Andrei Dzmitryieu were arrested for three days and subsequently released under written recognizance not to leave.

On 27 May the Human Rights Center *Viasna* and the International Federation for Human Rights (FIDH) issued a joint statement to assess the general situation. The human rights defenders stated that the complicated situation of human rights in the country started to aggravate and reprisals against actively civil society groups in Belarus became systemic.

It was also stated at the joint press conference of human rights defenders on 8 June, dedicated to analysis of the situation of human rights in the country in the first half of the year. Representatives of the Human Rights Center *Viasna* and the Belarusian Helsinki Committee stated that no positive changes in this sphere had taken place and the situation continued deteriorating with the approach of the electoral campaign. The human rights defenders stated the necessity of an urgent liberalization of the national legislation in the sphere of civil and political rights.

In January 2010 the Ministry of Information open-handedly issued warnings to independent newspapers, putting the, in the danger of closure. In particular, warnings were received by *Narodnaya Volia*, *Novy Chas* (twice) and *Tovarishch*. Throughout summer, law-enforcement agencies kept violently stopping peaceful actions, even such as the bicycle rally in honor of Belarusian poet Maksim Bahdanovich, held by the *BPF Youth*. During the detention of its participants policemen in civvies broke clavicle to one of them, Z.Parmon.

The authorities stubbornly refused to give the state registration to new human rights associations. For instance, in January they suspended the registration of the human rights organization *Brest Spring*, and on 20

August refused to register it for the tenth time. The Mahiliou human rights center faced obstacles in its work.

During the following summer months the authorities continued persecuting independent media and journalists. In particular, a criminal case was instigated in Vialeika for alleged libel in some comments published at the local independent website vialejka.org. *Nasha Niva* received two more warnings from the Ministry of Information. A criminal case was instigated against Siarhei Panamarou, editor of the independent bulletin *Boiki Kletsk*, who criticized the local authorities in the pages of his edition. S. Panamarou had to leave Belarus when the case was passed to court.

On 16 August a Belarusian poet and publisher Mikhas Bashura was arrested, allegedly for presenting a forged income certificate. The real reason for the arrest was that he, being a publisher, closely cooperated with the civil campaign *Speak Truth!* Thus, the authorities showed that they kept watching the activities of civil activists and were ready to stage provocations against them.

The informational situation in the country was changed a lot by a series of documentaries with a heavy critique of A. Lukashenka's position, broadcast by the Russian TV channel *NTV*, and the simultaneous criticism in other Russian media. Lukashenka was accused of corruption and persecution of political opponents. The "informational war" against him was clearly inspired by the Kremlin authorities. The fact that this was done on the eve of the presidential election showed that A. Lukashenka finally lost the support of the Kremlin.

In September, the Belarusian human rights defenders presented their monitoring of the situation of human rights in Belarus in November 2008– September 2010. The authors formulated some indicators of the progress, including: freedom of association, the situation of independent media and civil society, etc. The main criterion for evaluation of the situation was the consequence and stability of the changes that were introduced by legal acts. Taking into account the absence of such changes in the given period of time, the human rights

defenders stated the absence of progress in the sphere of human rights and conservation of the authoritarian regime which wasn't ready for transformations. They insisted that if the repressive legislation concerning civil rights and freedoms remained unchanged, the regime could use it against the democratic civil society. Such scenario was very likely to be used during the presidential electoral campaign.

On 14 September the Chamber of Representatives appointed the election of President of the Republic of Belarus on 19 December. Taking into consideration that all real power in the country is concentrated in the president's hands, this election was extremely important for the country's future in the next five years. Though there was no doubt that A. Lukashenka will run for the fourth term, it was unclear who of democratic candidates will oppose him at the election. Human rights defenders stated their participation in the election monitoring within the framework of the campaign *Human Rights Defenders for Free Elections*.

The same day the Mahiliou Region Court issued the death verdict to a Homel citizen, Ihar Mialik.

Each of the 11 pretenders for the presidential position passed more than 100,000 signatures to election commissions. The candidacies of 10 of them were registered after the verification of the signatures. Despite the fact that the stages of the electoral campaign which concerned the registration of the electoral teams of the possible candidates were held in a comparatively calm atmosphere, the formation of the election commissions was conducted in a non-democratic regime, and only 0.25% of representatives of democratic parties were included in them. Thus, the possible manipulations during the poll, and, consequently, the results of the election were pre-determined by the created conditions of the electoral campaign. Moreover, observers were deprived of the opportunity to watch the verification of the signatures which had been collected by the electoral teams of the candidates. It looked quite doubtful that all ten pretenders really managed to collect the number of signatures that was necessary for registration of their candidacies. However, the executive authorities, who really govern the Central Election Commission, decided to show an "unprecedented level

of democracy" and play the scenario of a well-known candidate (A. Lukashenka) and nine alternative candidates, comparatively unknown to the electorate. According to the governmental scenarists, this scenario would give opposition candidates no chances for victory in the conditions of "controlled" count of the poll.

The scenarios of the democratic opposition used in 2001 and 2006 that were aimed at the nomination of one single candidate, didn't bring victory. That's why a considerable part of democratic activists spoke against this idea on the eve of the 2010 election and worked for support and nomination of their own candidates. This time, Belarusian democratic politicians had no wish to follow the way of nominating one democratic candidate. As a result, mercantile and tactical interests prevailed over strategic ones. There was no certainty whether the West will clearly support one alternative candidacy, as a result of which Aliaksandr Milinkevich, the best known politician since the previous election campaign, refused to run for presidency. The remaining opposition candidates, who decided to take part in the electoral campaign, didn't coordinate their efforts. The disunity of the democratic forces satisfied the authoritarian authorities. Despite the possible negative assessment of the election results by international observers, some of the European politicians were ready to increase the political and economical cooperation with the Belarusian regime. Such development of the events in the future satisfied the Belarusian authorities as well. As a result, the democratic forces of Belarus could be marginalized even without the use of large-scale repressions, and would have to play the role extra players in the «liberalization» scenario.

Nevertheless, the agitation campaign of all nine alternative candidates eventually wakened the activity of the Belarusian society. It manifested several weeks before the election, when hundreds of electors started coming to electoral meetings in different parts of Belarus. The authorities, in their turn, tried to herd people to early voting, pressurizing them through the administration of educational establishments and state institutions. As a result, 23% of voters voted before the Election Day. Such manipulations gave rise to reasonable suspicions in the possible falsification of the results of the early voting.

The uncoordinated efforts of the alternative candidates finally united at one point, in one call to the electorate, resulting from the unequal conditions for campaigning, the extensive use of the administrative resources by A. Lukashenka and the subordination of the election commissions to the executive authorities: to come to Kastrychnitskaya Square at 8 p.m. on the Election Day, 19 December, in order to express protest against the rigging of the election results. This call was supported by eight out of ten presidential candidates.

The authorities got anxious. High-level officials warned people against coming to the square, including the Interior Minister, the Prosecutor General, the KGB Chair and even A.Lukashenka in person. However, the opponents of the incumbent didn't yield, and the psychological confrontation reached its apogee on the Election Day.

The presidential candidate Uladzimir Niakliayeu was severely beaten by unidentified representatives of law-enforcement agencies on the way to Kastrychnitskaya Square an hour before the end of the election and was taken to the ambulance hospital. Though the temperature outdoors was -12° C, some 20-40 thousand people came to the square after the end of the voting. Speeches of political leaders were drowned with loud music from street sound-amplifiers. The action participants proceeded to the Government House, where the demonstration was violently dispersed by riot police and other special troops. More than 700 participants of the action were detained during the dispersal and after it. Many of them were beaten during the detention and while being kept in the paddy wagons. Several presidential candidates, including Andrei Sannikau, Vital Rymasheuski, Ryhor Kostuseu and Mikola Statkevich, received injuries as well.

19 January will enter the history of the Belarusian people as «bloody Sunday». 105 years ago, on 18 October 1905, a peaceful demonstration not far from Nezalezhnasts Square, whose participants demanded the release political prisoners and chanted anti-Tzar slogans, near the railway station, had been shot down on a secret order of the Minsk governor, Pavel Kurlou, bringing about 80 killed and more than 300 injured. The procuracy instigated a criminal case. However, the

investigation concluded that governor Kurlou «had the right to take resolute measures». Two attempts on the life of Pavel Kurlou were committed as a result, and he was saved by a miracle.

19 December crossed all hopes of optimists for a gradual liberalization and democratization of the Belarusian regime. The authoritarian authorities said no to it, and the soulless wheel of repressions started spinning. Tens of civil activists and ordinary participants of the protest action were put in the pre-trial prisons of the KGB and the Interior Ministry on charges of «mass riot». They face up to 15 years in prison. More than 700 demonstrators passed through the court conveyer and received short-term arrests. A wave of searches and interrogations (more than 200 cases of each of them) rolled over the country. Journalists and human rights defenders were subject to searches and interrogations as well. Human rights haven't ever been violated at such a scale in Belarus in its modern history.

On 19 Decembers tens of thousands of Belarusian citizens also said their resolute «**No**" to electoral falsifications and the fourth consequent presidential term of the incumbent. The violent reprisals against political opponents are the best evidence that the authorities heard them. That's how 2010 ended. Victims don't always lose, and those who defeat others don't always become winners.

Ales Bialiatski

Review-Chronicle of Human Rights Violations in Belarus in January 2010

In January, the election to the Local Councils of the 26th Convocation started in Belarus. According to Presidential decree #21 of 18 January 2010, the election was appointed to 26 April. It was the first campaign carried under the amended Election Code. As soon as the decree was published, Belarusian human rights defenders started monitoring the electoral process all over Belarus within the frames of the campaign *Human Rights Defenders for Free Elections*. One of their aims was to analyze the practical implementation of new provisions of the electoral legislation. According to these innovations, the subjects who nominated their representatives to election commissions received the right to appeal their non-inclusion in the commissions. A number of public and political activists used this right and applied to court.

The year started with escalating confrontation between the Belarusian authorities and the Union of Poles in Belarus which is not recognized by them. The confrontation has a long history. Pressurization of the UPB activists increased at the end of 2009. A criminal case under Article 210, part 2 of the Criminal Code, 'abuse of duty powers', was instigated against Tereza Sobal, Chairperson of the Polish House in Ivianets (one of the three houses that remained under the control of the disgraced Union of Poles). On 21 January the Belarusian authorities organized an assembly to elect a new administration for the Polish House. That day 43 activists of the Union of Poles who were heading for Ivianets were detained by the police. Meanwhile, the assembly of the UPB activists living in Ivianets unanimously voted for re-election of Tereza Sobal.

Another celebrated case this month was the case of teachers. On 15 January Taisa Danilevich, Chairperson of the education department of the Minsk City Executive Committee, summoned to her office six teachers who were members of different political parties and blankly

demanded that they should either leave the parties or quit working at schools. Human rights defenders assisted the teachers in applying to the procuracy concerning the unlawful actions of the state official which rudely violated their constitutional rights.

In January, human rights defenders continued to struggle at courts for the right to peaceful assemblies in connection with the refusal of the authorities to sanction the 18 informational actions by which they intended to mark the anniversary of the Universal Declaration of Human Rights. In particular, the Biaroza District Court found the ban of the Biaroza District Executive Committee legal and didn't grant a claim of human rights defenders Siarhei Rusetski and Vasil Azaranka. This verdict was appealed at a higher court. On 25 January and 26 January cassation appeals against similar verdicts of other courts were lodged by Ales Dzerhachou, a human rights defender from Smarhon, and Maryna Statkevich and Aleh Matskevich, human rights defenders from Barysau.

The death penalty remained an acute issue for Belarus in 2010. In January 2010 the Human Rights Center *Viasna* and the Belarusian Helsinki Committee, supported by *Amnesty International*, launched the campaign *Human Rights Defenders Against Death Penalty*. To provide objective information and to hold a free and open discussion on the merits of the problem of the death penalty – this was the conception the human rights defenders kept to in their work with the population. Abolition of the death penalty or introduction of a moratorium on it was a condition for normalization of the relations with Belarus set forth by the European Union. This was also an obligatory condition for returning to Belarus its guest status at the Parliamentary Assembly of the Council of Europe. As a result, Belarusian officials had to speak on the subject of the death penalty. In January, the internet portal tut.by published a number of articles in which this topic was covered by Ela Sarkisava and Anatol Sharkou, professors of the MIA Academy; Siarhei Pratsenka, Deputy Chairperson of the MIA execution department; and Mikalai Samaseika, Chairperson of the Regular Commission of the Chamber of Representatives of the National Assembly on legislation and judicial affairs. All of them agreed that Belarus needed to get rid of the death penalty.

The international human rights organization *Human Rights Watch* published its yearly report on observance of human rights in the world. The situation of human rights in Belarus was described as deteriorating.

On 28 January it became known that the detention in custody of the Vaukavysk entrepreneurs Uladzimir Asipenka and Mikalai Autukhovich was extended for another month, till 28 February. According to Asipenka's daughter Liudmila, the sanction was issued by A.Tsiatsiukhin, Judge of the Supreme Court.

1. Politically motivated criminal persecution

On 10 January a prosecutor signed the ruling for two-month detention in the pre-trial prison in Vitsebsk of civil activist Siarhei Kavalenka, detained on 7 January for hanging out a white-red-white flag on the top of the main New Year tree of Vitsebsk. A criminal case under Article 339, part 2, 'hooliganism', was instigated against him. On 13 January the restraint to Kavalenka was suddenly changed to a written undertaking not to leave Vitsebsk. On 19 January S.Kavalenka underwent psychiatric expertise to which he was directed by investigator Aksana Muravitskaya. He wasn't informed about the results of the expertise. As Kavalenka learned from the case materials, the charges were changed to Article 339, part 1 and Article 363, 'resistance to police', was added.

On 11 January Valery Tsynkevich, Judge of the Navahradak District Court, found Yury Kazak, an activist of the Belarusian Christian Democracy Party, guilty under Article 339, part 1 of the Criminal Code, 'hooliganism', and fined him 8,750,000 rubles (about $3,017) for smearing with green paint the monument to Vladimir Lenin in the central square of Navahradak. At the trial, Kazak stated that his main aim was not to destroy the monument, but to draw the public attention to the problem of the criminal communistic heritage in Belarus.

On 5 January officers of the Ivianets District Police Department brought a criminal case under Article 210, part 2 of the Criminal Code against

Tereza Sobal, Chairperson of the Polish House in Ivianets, a member of the disgraced Union of Poles in Belarus. The woman was charged with abuse of the duty powers, because in 2004 the Polish House had allegedly received material aid without paying the taxes. Andrei Pachobut, Chairperson of the main council of the Union of Poles, stated that such actions were a provocation of the authorities against T.Sobal.

2. Persecution of civil and political activists

On 5 January Kastus Smolikau, Chairperson of the Vitsebsk regional branch of the Belarusian Popular Front, was fined 70,000 rubles (about $25) by the Vitsebsk District Court. The reason for the fine was that on 29 October the BPF activist set five memorial crosses near the village of Paliai where victims of Stalin's regime had been shot. K.Smolikau decided to inform Yury Vosipau, Chairperson of the Voranava Village Executive Vommittee, about it and proposed to hold a memorial event. However, the official answered him with threats and applied to the district procuracy which instigated an administrative case against Smolikau, accusing him of arbitrary rule.

On 9 January Taras Surhan, an activist of the *Young Belarus*, was detained in Vitsebsk. Unidentified persons in mufti forcedly pulled him into a car when he went out of his apartment to take out the garbage. Surhan's friends said the detention could be connected to the detention of his comrade Siarhei Kavalenka who had hanged a white-red-white flag on the main New Year tree of Vitsebsk. Surhan was escorted to the Chyhunachny District Police Department of Vitsebsk where he faced administrative charges under Article 17.1, 'disorderly conduct'.

3. Freedom of speech and the right to impart information

The Ministry of Information refused to register a private newspaper *Mahiliouski Chas* once again. This time the officials stated that the

premises where the legal address of the newspaper was situated didn't meet the legal requirements. The first registration denial was issued because the editor of the newspaper didn't have a higher education, the second – because of the failure to present a copy of agreement between the founder of the newspaper and the legal entity functioning as the editorial board. *Mahiliouski Chas* has been published as a socio-political newspaper with the circulation of 299 copies since 2007. The attempts to register with the state started on 10 September 2009.

The Ministry of Justice presented its pretensions to the Belarusian Association of Journalists concerning the member certificate, the status of the Center for Social Defense of Mass Media, and the BAJ tasks and aims, and issued an official warning to the organization. The order was signed on 13 January by Aliaksandr Simanau, Deputy Minister of Justice. The BAJ administration stated the intention to appeal the groundless warning.

On 19 January three state institutions refused to provide information to Anatol Mazgou, a correspondent with the newspaper *Borisovskiye Novosti* collecting information for the column *Barysau: numbers and facts*. One of the officials, Chairperson of the district registry office, refused to inform the journalist about the number of marriages and divorces during the week saying she had already given it to the local state newspaper and TV channel and advised Mazgou to look at the web-site of the district executive committee. On 21 January Anatol Bukas, chief editor of *Borisovskiye Novosti*, lodged a complaint with the local procuracy. He asked to hold a check-up and warn the officials about the possibility of punishment for violation of the law on mass media.

4. Death penalty

Activists of the campaign *Human Rights Defenders Against Death Penalty in Belarus* received an answer from the Chamber of Representatives of the National Assembly of the Republic of Belarus,

signed by Viktar Huminski, Chairperson of the National Security Commission of the Chamber of Representatives, reads: 'Belarus has come to the point where a detailed and open discussion on the abolishment of the death penalty needs to be started in the society. We, deputies, need dialogue with the people in this respect. This dialogue can have different forms. First of all, we will consider the opportunities of holding parliamentary hearings on this issue. I think they will allow an objective evaluation of the situation and the readiness of the society to look at the problem from a new viewpoint.' At the same time, V.Huminski referred to results of the referendum of 1996 and stated that deputies had no right to ignore its results.

5. Freedom of associations

On 14 January founders of the Association of civil organizations *Assembly of NGOs* tried to get registered with the state for the third time. By the way, the first registration attempt was made in 2002 and the organization founders had to wait for a negative answer of the Ministry of Justice for 18 months (whereas the legal term is just one month). In 2009 the Ministry of Justice refused to register the Assembly of NGOs more quickly. In particular, the officials stated that the aims of the member organizations didn't meet the charter aims of the assembly. Another reason for the registration denial was that the constituent agreement about the establishment of the association was invalid as the heads of the member organizations had ostensibly signed it without the consent of the governing organs of the organizations. Thirdly, the organization name allegedly didn't meet the legal requirements as it contained no indication of the subject of activities of its members.

At the end of January, the Ministry of Justice denied registration to the Belarusian trade union *Razam*, allegedly because a number of mistakes had been discovered in the list of founders during an appropriate check-up. Iryna Yaskevich, Chairperson of the trade union, stated in an interview with the *BelaPAN* that these assertions of the ministry didn't meet the reality and promised that the registration attempts would continue.

6. Persecution of civil and political activists

On 21 January a preliminary meeting of the sides in the case Lapitskis v. the Zhodzina Town Executive Committee took place. The case concerned the decision of the Zhodzina TEC to stop the education of the Lapitskis' son Yanka Lapitski in the Belarusian language at the Zhodzina gymnasium #1. The trial was scheduled for 8 February.

On 26 January the Leninski District Court of Brest turned down the complaint lodged by a *Young Front* activist Yauhen Skrabets against unlawful actions of the draft board during the autumn drafting campaign. Judge A.Karpava explained the verdict by saying that the court hadn't received the necessary papers in the due time. It wasn't the first attempt of the court to evade from considering Skrabets' complaint: at the end of October the judge refused to consider the complaint as it ostensibly needed to be considered by the intergarrison military court. However, later this decision was reversed.

7. Freedom of conscience

On 12 January the Minsk city Committee on Natural Resources and Environmental Protection fined the Protestant church *New Life* 262,798,725 rubles (about $91,900). Prior to it, in December 2009, the committee officers took soil samples at the car parking near the church. According to Siarhei Lukanin, the church lawyer, the fine was imposed under Article 15.11 of the Administrative Code, for alleged 'environmental pollution'. The officials warned the community they would apply to the Minsk Economical Court for forced exaction of the fine if the church failed to pay it in time.

Ivan Mikhailau, 21, a member of Jewish-messianic community, was kept in custody starting from 20 December 2009. He was charged under Article 435 of the Criminal Code, 'draft-dodging'. I.Mikhailau considered himself not as an evading person, but as a conscientious objector on religious grounds and stated he was ready to perform

alternative civilian service. However, the draft board refused to assign him to such service. On 31 December 2009, the criminal case against Mikhailau was passed to the Minsk District Court. The trial started on 29 January 2010. As it was found at the trial, Ivan Mikhailau was the eldest of seven children and helped his parents because the family was in a hard financial situation. Some of the children went to school and others studied at high schools on a paid basis. Witnesses from Mikhailau's work characterized him very positively. Ivan Mikhailau could be sentenced to six months of arrest for draft-dodging, though the civil right to alternative civilian service is enshrined in Article 57 of the Constitution of the Republic of Belarus.

8. Freedom of peaceful assemblies

On 22 January the Leninski District Court of Brest didn't grant Siarhei Vakulenka's claim against the decision of the Hrodna City Executive committee to ban a picket he intended to hold near the *Belarus* cinema to mark the anniversary of the Universal Declaration of Human Rights. The court agreed with the motivation of the refusal stating that the only place for such actions that had been determined by the city authorities was the stadium *Locomotive* (situated in a lonely place).

Mahiliou authorities banned civil activists and historians to hold a round table in the town hall on the occasion of the 433rd anniversary of receiving the Magdeburg rights by Mahiliou. On 25 January the organizers of the event, representatives of the Social-cultural institution *Strategy of Development and Peace* applied to the authorities for the permission. By the way, participants of the event intended to discuss the local self-government.

9. Electoral rights

On 28 January political scientist Yury Chavusau lodged a claim with the Mahiliou City Court against the decision of the Minsk City Executive

Committee and the Presidium of the Minsk City Council not to include him in the Minsk City Election Commission as a representative of the civil association BPF *Adradzhenne*. Chavusau thinks that he wasn't included in the commission on political grounds as there were no defects in the documents for his nomination to the election commission.

On 29 January the Barysau District Court received a complaint against the decision of the Barysau District Executive Committee and the Presidium of the Barysau District Council by which human rights defender Maryna Statkevich, a representative of the local electors, wasn't included in the Barysau district territorial election commission. No explanations were offered by the authorities concerning the non-inclusion of Maryna Statkevich in the commission.

Review-Chronicle of Human Rights Violations in Belarus in February 2010

In February, the conflict between the two Unions of Poles in Belarus, one of which is recognized by the Belarusian authorities and the other – by the Polish authorities, reached the international scale. On 17 February the Valozhyn District Court obliged Tereza Sobal, Chairperson of the Ivianets Polish House, to pass the building to the administration of the pro-governmental Union of Poles. Mass detentions of civil activists were conducted during the court hearings on confiscation of the Polish House. The UPB leaders were punished by courts on charges in organizing an unauthorized action of solidarity in Hrodna on 10 February. An urgent counsel of the Polish MFA was summoned in connection with these events. It was decided that the officials who were involved in repressions against the Belarusian Poles would be banned to enter the territory of Poland.

The Polish Embassy turned the attention of the Belarusian media to an inadequate character of the information presented by some Belarusian TV channels. 'We treat the anti-Polish propagandist campaign of the Belarusian TV with a great concern and regret, and consider it as a bad policy in the dialogue between our states,' pointed Pavel Marczuk, First Secretary of the Polish Embassy. At the end of February, the European Investment Bank decided to stop issuing loans to Belarus because of pressurization of the Union of Poles. Marta Gajecka, Deputy Chairperson of the bank, stated in an interview to *Gazeta Wyborcza* that EIB loans were the only means of financial pressure on the Belarusian authorities from the side of the European Union. According to the information that was given to the Polish Agency of Press by Wladislaw Stasiak, Head of the Chancellery of the Polish President, in the middle of February Lech Kaczynski addressed Aliaksandr Lukashenka with a letter concerning the situation of the UPB. The Polish President expressed his full solidarity with the Union of Poles in Belarus headed by Anzhalika Borys and called on the

European Union to demonstrate solidarity in this case. He pointed that Poland was defending not only the rights of the Polish minority in Belarus, but human rights in general and the rights of the opposition.

It was decided to establish a group of Belarusian and Polish experts for regulating the question of the Polish minority in Belarus. An oral agreement about it was reached by Radoslaw Sikorski, Polish Foreign Minister, and Aliaksandr Lukashenka at the meeting in Kyiv, Ukraine. The debates at the European Parliament took place on 24 February in Brussels. Representatives of the largest European parties condemned the persecution of the Polish minority and demanded that the Minsk authorities should abide by democratic standards. The voting of the resolution was postponed to March.

In February three mass actions of the democratic opposition were violently suppressed in Belarus. On 8 February riot police dispersed an action of solidarity with the arrested Vaukavusk entrepreneurs, Uladizmir Asipenka and Mikalai Autukhovich. Some people were beaten while being pulled to paddy wagons. The glasses of one of them were broken. At the Tsentralny District Police Department, the detained activists were lined in two columns facing the walls and ordered to stand there for two hours. Then they were released. Those who were taken to the police station for the first time were mugged and fingerprinted. The journalists who covered the action were unable to implement their professional duties again because of the interference of people in mufti who were getting on their way and covered the objectives of their cameras with their hands.

The traditional youth action on St.Valentine's Day, 14 February, was dispersed as well. About 30 members of the youth democratic movement were detained. Tatsiana Shaputska, a *Young Front* activist who had been expelled from the Belarusian State University short before this, received a light cranial trauma (such diagnosis was given to her at clinical hospital #10).

19 persons including Yuliya Darashkevich, a photo correspondent with *Nasha Niva*, were guarded to the Tsentralny District Police Department

of Minsk in connection with the Solidarity Day that is held on the 16th each month to express solidarity with the families of the missing political activists and political prisoners. All detainees were released in three hours without getting any charges.

As a result of escalation of the repressions the Belarusian human rights organizations stated their intention to hold negotiations with the law machinery with the aim to find ways for normalizing the police actions aimed at securing the public order during peaceful assemblies. The negotiations were initiated by the Educational institution *Center of Legal Transformation*, the Human Rights Center *Viasna*, the Committee for assistance to the repressed persons *Solidarity*, the Belarusian Helsinki Committee, the Human Rights House, the Center on Human Rights and the *Legal Assistance to Population*. The collective address of human rights defenders states that the necessity of the negotiations was urgent and was dictated by the situation of the Union of Poles in Belarus and actions of the law enforcement agencies during the peaceful assemblies of 8, 14 and 16 February. The meeting was appointed for 19 February and was to have taken place in the *Europe* hotel. Representatives of foreign embassies, the OSCE mission in Minsk, Representation of the European Commission and journalists were invited to the event to monitor the negotiations, provide openness and inform the public about its outcome. However, police and KGB ignored the invitation. Besides, at the last moment the administration of *Europe* broke the agreement for the rent of its hall and stated that it had been already rented by a delegation that 'arrived from Brazil'.

On 11 February human rights defenders presented a report for the procedure of the Universal Periodical Review of Belarus within the guidelines of the UN Human Rights Council. The Universal Periodical Review (to which Belarus was preparing) is a mechanism of the Human Rights Council on periodically reviewing the implementation of undertakings in the sphere of human rights by 192 state parties of the UN. This procedure was introduced as a result of the UN reformation: the establishment of the Human Rights Council and the elimination of the institution of special rapporteur on human rights for selected countries. The Republic of Belarus passed this procedure for the first

time in 2010. The alternative report to the UPR was composed with the participation of the Belarusian Helsinki Committee, the Belarusian Association of Journalists, the Human Rights Center *Viasna*, the Assembly of NGOs and the International Federation for Human Rights, and was submitted to the UN Human Rights Council in October 2009.

1. Politically motivated criminal persecution

On 11 February Ivan Stasiuk, a *Young Front* activist from Brest, was issued with a prosecutorial warning for activities on behalf of unregistered organization. The warning reads that the materials confirming such activities of I.Stasiuk were received from the Brest Region KGB Department. The conclusion about his participation in the *Young Front* was made from the print-outs from the websites of the *Young Front* and Radio *Racyja*.

On 19 February the Kastrychnitski District Court of Vitsebsk sentenced Aleh Surhan, an activist of the Belarusian Christian Democracy and the *Young Belarus*, to six months of arrest and payment of 2.5 million rubles as compensation to police lieutenant Dudkevich under Article 364, 'violence or threat of violence towards police officer'. In his last plea A.Surhan stated that the criminal case was instigated against him for hanging out a white-red-white flag in the city. However, the police report about this 'violation' disappeared from the case materials.

On 24 February Tereza Sobal, Director of the Polish House in Ivianets, and Ramualda Miron, its accountant, were questioned at the Valozhyn District Police Department within the frames of the criminal case under Article 210, part 2 of the Criminal Code instigated against T.Sobal on 5 January 2010. The official reason for bringing the case was that at the end of 2004 Tereza Sobal had received 600,000 rubles as material encouragement from the Hrodna administration of the Union of Poles in Belarus. The investigator proposed her to drop the case because of the lapse of time. However, Tereza refused, being sure that the case was to be dropped because of the absence of the corpus of delicti in her actions.

2. Persecution of civil and political activists

On 15 February members of the disgraced Union of Poles in Belarus were punished in Hrodna and Valozhyn. Anzhalika Borys, Chairperson, was fined 1,050,000 rubles (about $355). Mechyslau Yaskevich (Deputy Chairperson of the UPB), Andrei Pachobut (Chairperson of the UPB Council) and Ihar Bantsar (the UPB press secretary) were sentenced to five days of arrest. The court found them guilty of participation in the unauthorized rally of solidarity with Tereza Borys that had taken place in Hrodna on 10 March. Ihar Bantsar kept a hunger-strike of protest during all five days of arrest.

Ales Halavan, an activist of the organizing committee of the Belarusian Christian Democracy, was tried in absentia and sentenced to 7 days of jail. He was informed about it by a court ruling that was sent to him by mail. Halavan was detained with Valery Ramanenka, another BCD activist, on 15 January in Vitsebsk. Police confiscated from them white-red-white flags and accused them of ‘being drunk and disorderly’. A.Halavan and V.Ramanenka were kept in jail for three days before the trial. At the trial they solicited for advocatory services, as a result of which the hearings were postponed. As it follows from the court papers, the trial continued in the absence of A.Halavan.

On 24 February the Frunzenski District Administrative Commission of Minsk fined Iryna Hubskaya, an activist of the organizing committee of the BCD, 175,000 rubles (about $59). The girl was detained in the night of 15-16 February at an action in support of the UPB headed by Anzhalika Borys during which white-red-white stickers with the inscription *Wolna Belarus* were posted in the metro station *Lenin Square* and on the buildings of the Belarusian State University and the Minsk City Executive Committee. The administrative commission found Hubskaya guilty of ‘violating the rules of urban maintenance’ and fined her.

3. Freedom of speech and the right to impart information

On 3 February in Minsk, policemen and people in mufti tried to burst in the apartment rented by Ivan Shulha, a journalist with the Polish TV channel *BelSat*. Some Belarusian journalists were present in the apartment during this attempt. On 4 February Aksana Reliava, Judge of the Savetski District Court of Minsk, sentenced Ivan Shulha to 10 days of arrest under Article 17.1, 'disorderly conduct'. The first part of the trial was conducted in a closed regime. The judge dismissed the petition for summoning a witness of the defendant.

Bear in mind that during the assault on the apartment the journalist refused to open the door and shouted to policemen. They opened the door and guarded him to the Savetski District Police Department for an expertise of the blood alcohol content, the results of which didn't confirm the consumption of alcohol. Then the police accused the detainee of using obscene language during the conversation with them, and even of kicking one of them.

On 11 February Anatol Hatouchyts, a correspondent with the non-state information agency *BelaPAN*, and journalist Aleh Razhkou weren't let in the Savetski District Court of Homel because of carrying a TV and a photo camera. The incident took place before the beginning of the trial of draftee Yauhen Yakavenka who allegedly evaded from military service.

On 15 February the Belarusian Association of Journalists (BAJ) addressed another letter to Anatol Kuliashou, Interior Minister, requiring an answer concerning the intervention of the police into work of journalists. 'At Your press conference on 28 January you promised to discriminate why BAJ received no answer to its appeal concerning violations of the rights of journalists by unidentified persons during the street actions in autumn 2009,' the journalists reminded.

On 17 February officers of the Leninski District Police Department of Minsk searched the working place of the BAJ member Maryna Koktysh,

deputy editor of *Narodnaya Volia*. They confiscated the system unit of her computer and summoned the journalist to an interrogation within the framework of the so-called 'hunters' case concerning the suspicion of a number MIA officers in abusing their duty powers. A criminal case under Article 188, part 2 of the Criminal Code, 'libel in mass media', was instigated against the journalist.

On 26 February police searched the apartment of Sviatlana Kalinkina, a journalist with the *Narodnaya Volia* newspaper. Kaminski, an investigator of the Savetski District Police Department of Minsk, showed her a protocol from which it followed that police were looking for those who insulted the former chairperson of the Homel Region KGB Department. As a result, the system unit of her computer, flash drives and a telephone organizer were confiscated from the journalist. S.Kalinkina was deprived of an opportunity to contact her lawyer, the chief editor of *Narodnaya Volia* or BAJ representatives, as police officers ordered her to switch off the mobile phone. Sviatlana believes that the real reason for the search was not the 'hunters' case', but the wish of the law enforcement agencies to intimidate private press.

On 20 February Unitarian trading enterprise *Vitebskiy Korund*, the founder of the private newspaper *Nash Dom*, lodged an appeal with the Supreme Economical Court at the refusal of the Ministry of Information to consider the documents that had been submitted for registering the newspaper with the state. *Vitebskiy Korund* demanded from the court to find the actions of the Ministry of Information unlawful, as the ministry could either register the edition or issue an official registration denial, but didn't have the legal right to return the documents.

Thus, according to the BAJ information, at least 8 socio-political editions faced registration denials (or were returned the registration documents) that month: *Nash Dom* (Vitsebsk), *Mahiliouski Chas* (Mahiliou), *Soligorsk Plus* (Salihorsk), *Novaya Gazeta Bobruyska* (Babruisk), *Maryinahorskaya* (Maryina Horka, Minsk region), *Prefect Plus* (Hlybokaye), *Khimik.Dva Goroda* (Navapolatsk) and one more edition (name withheld on request of the founders).

4. Freedom of peaceful assemblies

The Brest Region Court turned down the cassation appeal of pensioner Pavel Kazlou against the verdict of the Leninski District Court of Brest which confirmed the legality of banning his picket by the Brest City Executive Committee. The court motivated its verdict by the ruling of the Brest CEC on determining the only place for mass actions – the *Locomotive* stadium, situated on the city outskirts. The reason for the picketing was that the pensioner had spent four years trying to regain his unlawfully annulled license for expertise of road accidents. Kazlou has a 40-year experience in this profession. The license was annulled after he had conducted expertise of a road accident with and found that it had been caused by a road policeman. During the recent years the pensioner composed about 50 complaints against the annulment of the license, but it yielded no results.

5. Freedom of association

On 3 February the Union of Belarusian Writers adopted unanimously a statement concerning the persecution of its members. The reason was that the administrations of the state organs where some of the UWB members worked received a letter from Presidential Administration *Destructive organization, the membership in which is incompatible with work in state institutions*. As a result, the administrations summoned UWB members and put them before ultimatums ordering to step out of the UWB. Meanwhile, the Union of Belarusian Writers is officially registered with the state and includes such well-known poets as Nil Hilevich and Ryhor Baradulin and tens of other prominent literary workers.

About 3 months before this the Ministry of Justice requested from the UWB the list of its members including the surnames, nicknames, home addresses, the years of joining the UWB and the places of work. Ales Pashkevich, UWB Chairperson, didn't present to the ministry any information about the places of work of the organization members. However, the ministry learned their places of work from 'other sources'.

On 18 February the Supreme Court dismissed the appeal of founders of the human rights association *Brest Spring* against the denial of the state registration. The main justice department of the Brest Region Executive Committee gave the organization one month to correct mistakes in the registration documents, but didn't inform it about these 'mistakes' (in particular, nothing was said about presenting a copy of the receipt of the state fee for the registration). That's why human rights defenders concluded that the authorities weren't interested in the activity of the regional human rights organization. Moreover, it was already the fifth registration attempt of *Brest Spring* since 2004.

On 18 February the Supreme Court didn't grant the appeal of founders of the Belarusian Christian Democracy Party against the non-registration. Moreover, Vital Rymasheuski and Pavel Seviarynets, co-Chairpersons of the party, and Dzianis Sadouski, its senior secretary, weren't allowed to listen to the verdict. Only Michael Scanlan, Chargé d'Affaires ad interim of the United States in Belarus, Ernst Kress, representative of the German Embassy in Minsk, and Liubou Luniova, a journalist with *RFE/RL*, were admitted to the trial.

The BCD co-Chairpersons, in their turn, stated about an unprecedented pressurization of the party founders aimed at the withdrawal of their signatures from the constituent documents.

Siarhei Antusevich, leader of the Belarusian independent trade union, applied to the procuracy in connection with the pressurization of workers of the *Hrodna Nitrogen* enterprise by the administration. The heads of the plant workshops started to demand that workers left the independent trade union, threatening them with dismissal. S.Antusevich said that in the present economical conditions the authorities were afraid of independent trade unions that could explain the reasons of the hard situation to the workers and even bring them out in the streets.

On 28 February the *Young Front* again filed the documents for registering with the state. 86 delegates took part in the constituent assembly of the organization on 30 January. It was already the sixth attempt of the organization to legalize itself. In 2007 the *Young Front*

was registered in Czech as an international youth association. Zmitser Dashkevich, leader of the organization, is convinced that the more registration attempts are taken the harder it will be for the authorities to continue persecution of the *Young Front* activists under Article 193.1 of the Criminal Code, 'activities on behalf of unregistered organization'. He also emphasized that constituent assemblies of the organization would be held quarterly in the case the organization wasn't registered.

6. Violent and inhuman treatment

Activists of the *European Belarus* civil campaign applied to the Tsentralny District Procuracy in Minsk at unlawful actions of the police. Yauhen Afnahel, Palina Dziakava, Yuliya Hlyshytskaya, Palina Kuryianovich, Iryna Piatrova, Maksim Viniarski and Pavel Yukhnevich described their detention and beating during the peaceful assemblies of 8 and 16 February. The activists pointed at violation of their constitutional right to peaceful assemblies and reminded about the ban on torture, cruel, inhuman and degrading treatment.

7. Freedom of conscience

On 1 February the Minsk District Court found draftee Ivan Mikhailau guilty of evasion from military service and punished him with three months of arrest, ignoring the fact that Mikhailau refused from performing military service because of his religious convictions and demanded to be assigned to alternative civilian service. On 15 December 2009 Ivan Mikhailau was arrested and placed to the pre-trial prison in Zhodzina. He was convoyed to the Minsk District Court in handcuffs. Aliaksei Shein, co-founder of the BCD, characterized the sentence to Mikhailau as a gross violation of the legislation on religious freedom.

On 11 February Alena Dzichkouskaya, Judge of the Savetski District Court of Homel, fined draftee Yauhen Yakavenka 175,000 rubles (about $59) on the basis of a report of the Homel City Military Enlistment

Office. Yauhen was found guilty of evasion from military service, though he also refused to serve in the army on religious grounds. On 2 February he addressed the appropriate state bodies with the third request to be assigned to alternative service, but didn't receive any answer.

On 26 February Alena Shylko, Judge of the Maskouski district court of Minsk, fined the Protestant Church *New Life* on the basis of a lawsuit of the environmental protection committee of the Minsk City Executive Committee. According to the court ruling, the church was obliged to pay 263 million Belarusian rubles as compensation for allegedly inflicted harm to the environment, and 8,750,000 rubles fine. Siarhei Lukanin, the church lawyer, stated that officers of the environmental protection committee had taken soil samples near the church without witnesses, that's why there was no evidence that these samples had been really taken from this place. According to the state officials, the analysis of the samples showed an excessive concentration of oil products. Lukanin's arguments that an unauthorized garbage dump had been situated on this territory before it was bought by the church were ignored by the court. The church is unable to pay such a large sum of money which is equal to about $91,700.

8. Death penalty

The death penalty remained a topical issue for Belarus. On 22 February the first sitting of the working group of the Chamber of Representatives of the National Assembly of the Republic of Belarus on the problem of the death penalty took place. As stated by its Chairperson, Mikalai Samaseika, this institution 'will seek its own ways for the abolition of the death penalty which is dictated by the geopolitical situation of the country'. The schedule of activities of the working group for the following six months was considered at the sitting. The group intended to use this period for analyzing the statistics, the court and law-enforcement practice of Russia and Ukraine and paying visits to the places where life convicts were kept. M.Samaseika also stated that there was reached a preliminary agreement for holding an international seminar on the death penalty with the participation of PACE deputies in Minsk.

Review-Chronicle of Human Rights Violations in Belarus in March 2010

The situation of human rights in Belarus in March showed the extent to which the Belarusian authorities weren't ready to follow the way of democratic reforms. Execution of two death convicts was one of the most important events that month. Human rights defenders are of the opinion that it was consciously done to thwart the requirements of the national legislation and the international undertakings that were ratified by the country. On 23 March, the Human Rights Center *Viasna*, the Belarusian Helsinki Committee, *Amnesty International*, the Council of Europe, the European Parliament and the Parliamentary Assembly of the OSCE adopted an official statement to condemn the actions of the authorities. The international community was indignant that the executions were performed against the background of negotiations between Belarus and the Council of Europe about introduction of a moratorium on the death penalty.

On 9 March the Human Rights Center *Viasna* presented its *Review-Chronicle of Human Rights Violations in Belarus in 2009*. The *Human Rights Defenders Against Death Penalty* campaign was launched in 2009, which was reflected in the book. Meanwhile, it was noted that the previous year hadn't become the decisive one for the abolition of the death penalty or introduction of moratorium on the death penalty in our country. Belarus still remains the only post-Soviet European country to issue and execute death sentences.

Human rights defenders treated as positive the intention of the authorities to adopt a law on alternative civilian service. Before this, the absence of such law provided the possibility of prosecution of the people who refused from military service on religious grounds. The latest events marked a considerable progress in this direction. In particular, on 10 March civil activist Ivan Mikhailau, a believer of the Messianic Jews' Church, was released from the Zhodzina jail. Before this, on 9 March, the panel of judges of the Minsk Region Court reversed the verdict

of a lower court, according to which the believer had been sentenced to three months of arrest for evasion from military service. The case was returned for the second trial and the restraint to Mikhailau was changed to undertaking not to leave. By the way, the arrest term was to have ended on 15 March, which means that he served almost the whole term. On 12 March, the Homel Region Court reversed the verdict of the Savetski District Court of Homel on the case of Yauhen Yakavenka, an activist of the Belarusian Christian Democracy accused of the failure to appear at the military enlistment office on an official writ. The case was returned for the second trial as well. On 15 March, the Presidium of the Homel Region Court also reversed the verdict according to which Zmitser Smyk, a member of the *Jehovah's Witnesses* religious community was to be fined 3.5 million rubles (about $1,200).

The traditional street action dated to the anniversary of declaration of the Belarusian People's Republic took place on 25 March. The action went quietly despite the disagreement of its organizers with the route which was determined by the Minsk City Executive Committee to direct the participants from the Academy of Sciences to the Bangalore Square and an unfrequented Druzhby Narodau Park. At 6 p.m., it was discovered that the sound-enhancing equipment had been detained and taken to the Tsentralny District Police Department of Minsk. Police told the action organizers that they allegedly had information that some citizens of the Russian Federation resembling those who had organized the explosion on 4 July were 2008 were present near the place of the gathering and could attempt to disrupt the celebration of the Freedom Day with the use of explosive devises. Moreover, some potential participants of the event were preventively detained in Minsk and in the regions of Belarus. Yury Karetnikau, Chairperson of the *Right Alliance*, was detained near the railway station. There was an attempt to detain civil activist Yauhen Afnahel near his apartment. In Asipovichy, policemen and an officers of the district procuracy searched the apartment of Ihar Simbirou, an activist of the Belarusian Popular Front *Adradzhenne*. The members of the organizing committee of the Belarusian Christian Democracy Party Taisiya Kabanchuk, Ihar Kazimirchyk, Yauhen Vishniakou and Maksim Charniak were guarded to the police station of the Babruisk railway and questioned about the

possible drug trafficking. Short before the action, police confiscated from Andrei Krechka, Chairperson of the *BPF Youth*, 20 white-red-white flags 2x1 meters and 500 paper flags with symbols of the *BPF Youth* and the *Pahonia* emblem.

The action gathered less than 2,000 people. Political activists delivered speeches through a loudspeaker. After a short meeting, youth activists tried to proceed towards the National Library and Yakub Kolas Square, but the way was overlapped by riot police.

In March the authorities increased the pressure on freedom of speech, which manifested in the persecution of journalists. Several searches were held on 16 March in their offices and private apartments. In particular, searches were held at the office of the *Charter'97* civil initiative (the police broke there using violence, journalist Natallia Radzina was punched in the face), in the apartment of Iryna Khalip, at the working place of Sviatlana Kalinkina, editor of the *Narodnaya Volia*, in the apartment of Maryna Koktysh, deputy editor of the *Narodnaya Volia* and the apartment of Natallia Radzina. Information carriers including computers, HDDs, CDs, USB flash drives and SD cards were confiscated in all cases. As it follows from the documents that were presented by police officers, the searches were conducted within the guidelines of the criminal case that was brought on 31 December 2009 under Article 188, part 2 of the Criminal Code of the Republic of Belarus concerning libel against Ivan Korzh, former Chairperson of the Homel Region KGB Department.

The Belarusian Association of Journalists addressed the Prosecutor General of Belarus in connection with the persecution of journalists. At the same time, the Interior Minister, Anatol Kuliashou, ignored the request for a meeting with the BAJ administration in connection with violations of journalists' rights by people in mufti during the street actions that had taken place in autumn 2009. As it follows from the answer received by BAJ, the minister didn't see any need to meet with representatives of the journalist community because 'interaction of officers of law-enforcement agencies and journalists is regulated by the Law *On Mass Media*'.

On 22 March Judge of the Supreme Court of the Republic of Belarus Anatol Tserakh turned down the claim of the Belarusian Association of Journalists against a warning of the Ministry of Justice. The warning was left standing, which means that the BAJ was obliged to take all certificates of BAJ members with the inscription ‘press’ away from its members and prevent anybody from using them in the future. The Ministry also stated that activity of the Center for Legal Defense of the Media at BAJ was not provided for by the organization charter.

On 17 and 25 March police twice confiscated circulations of the private newspaper *Nash Dom* which was issued by the civil initiative of the same name. Moreover, a car with 10,000 copies of the *Vitebskiy Kuryer* newspaper that were transported by Viktar Ramniou, manager of the *Vitebskiy Korund* private enterprise, was detained by them on 25 March on the Russian border. The newspaper is registered in Russia and is printed in Smolensk. A report under Article 22.9, part 2 of the Administrative Code (distribution of periodicals without imprint) was drawn up on Ramniou, though he didn’t distribute the newspapers, after which he was guarded to court and fined 1,225,000 rubles (about $415). Human rights defender and journalist Valery Shchukin was detained near Homel while transporting 24,000 copies of *Nash Dom*. A similar report was drawn up on him. The following day Shchukin was tried and fined 900,000 rubles (about $305).

On 25 March the registration of candidates for the Local Councils of the 26th Convocation came to an end. *Human Rights Defenders for Free Elections* monitored this stage of the pre-election campaign and presented a brief analysis and conclusions on its results. The number of the denials to register initiative groups decreased in comparison to the previous election to Local Councils (23 in 2010 compared to more than 100 in 2007). Violation of the principle of ‘free participation in elections’ was the main reason for the non-registration of electoral teams during the previous election, and there was no essential progress this time. According to the electoral legislation, the local authorities were to determine places for electoral pickets. In most cases, this provision was used to maximally limit the possibilities for collecting signatures in support of candidates in populous places. As a rule, the authorities

determined unfrequented places that were often located quite far from town centers and major traffic lines. As a result, pickets were not used as a form of collection of signatures by the majority of pretenders.

On 10 March the European Parliament adopted a resolution to condemn the official Minsk for the crackdown on the unrecognized Union of Poles in Belarus. The document contains no calls to renew sanctions against Belarus. However, it is stated that further human rights violations can lead to cessation of the dialogue between the EU and Belarus. The European parliamentarians called on the Belarusian authorities to register the Union of Poles in Belarus headed by Anzhalika Borys and return all assets that had been confiscated from this organization. They also demanded to release political activists Andrei Bandarenka, Ivan Mikhailau and Artsiom Dubski and register the Human Rights Center *Viasna* and the Belarusian Christian Democracy Party who had been repeatedly denied in registering with the state.

1. Death penalty

The UN Human Rights Committee issued a press-release on the results of its spring session in New York, which noted that the Belarusian government ignored the request of the Committee to suspend the execution of the death verdicts to the Belarusian citizens Vasil Yuzepchuk and Andrei Zhuk till consideration of their case at the UN Human Rights Committee, and thus scandalously violated its international undertakings under the Optional Protocol to the International Covenant on Civil and Political Rights. Lawyer Raman Kisliak, the human rights activist who prepared the individual communications to the UN Human Rights Committee on behalf of the death convicts, is convinced that thereby the Belarusian authorities challenged the UN Human Rights Committee and the international community.

2. Persecution of civil and political activists

On 3 March a member of the Belarusian Christian Democracy Andrei Kasheuski, distributor of the private newspaper *Narodnaya Volia*, was detained in the Minsk metro. He was guarded to the Leninski District Court of Minsk, sentenced to 15 days of jail and fined 700,000 rubles (about $240) by Judge Navitskaya. The arrest was imposed under Article 17.1 of the Administrative Code, 'disorderly conduct', and the fine – under Article 23.4, 'insubordination to police officers'. The activist kept a hunger-strike of protest during the whole term of his arrest.

On 25 March the Valozhyn District Court fined Anatol Liabedzka, leader of the United Civil Party, 900,000 rubles (about $305) for 'insubordination to police officers'. The politician was detained on 15 February near the building of the military unit where Tereza Sobal, an activist of the disgraced Union of Poles, was tried at the time.

On 26 March the Maskouski District Court of Minsk turned down the complaint of Tatsiana Shaputska, press-secretary of the *Young Front*, against her unlawful expulsion from the juridical faculty of Belarusian State University after taking part in the Eastern Partnership Forum on 16-18 November 2009. The activist proved at the trial that the punishment was incommensurable with her violation (departure abroad for several days without prior agreement of the dean's office). However, the judge declared these arguments unconvincing and took the side of the university administration.

3. Freedom of word and the right to impart information

On 1 March it became known that the Ministry of Information refused to register a private political edition, *Khimik.Dva Goroda* for the third time. The first denial was issued in connection with allegedly insufficient qualification of the chief editor of the newspaper, the second – for the stated topics and the latest one – because of

pretensions to the premises where the legal address of the newspaper was located.

On 2 March the editor of the *Narodnaya Volia* newspaper Sviatlana Kalinkina lodged a complaint with the Savetski District Procuracy of Minsk against actions of the policemen who had searched her apartment on 26 February. The journalist and the lawyers she consulted with are of the opinion that the search was conducted with a number of violations: the visitors didn't introduce themselves and the search was conducted by several persons at once. The journalist wasn't allowed to use her mobile phone and was ordered to turn off all telephones.

On 10 March court marshals paid a visit to the office of the private newspaper *Borisovskiye Novosti* and attached a sofa, a bookcase and a water cooler for compensation of 2 million rubles that were to be paid by the newspaper to Vera Pratasevich, editor of the district state-owned newspaper *Adzinstva*, according to a court verdict issued at the end of 2009. The reason for the trial was the article *Belarusian Code of Honor* by pensioner Valery Nitski, in which the author criticized the Barysau authorities for creating unequal conditions for state-owned and private press.

On 11 March it became known that the Ministry of Information issued the second warning to *BelKP Press*, editor of the private newspaper *Komsomolskaya Pravda v Belorussii*. The reason for the warning wasn't announced.

On 15 March Kseniya Stasiukevich, Judge of the Leninski District Court of Hrodna, fined the BAJ member Aliaksandr Dzianisau for 'unauthorized journalist activities', which was qualified as 'Arbitrary rule' (Article 23.39 of the Administrative Code). The journalist prepared a press release about the local core studies in secondary school #28 on official permission of the school administration.

On 18 March Junior European Federalists (JEF) and their partners held a traditional street action in different cities of the world under the slogan 'Give Voice to People of Belarus'. They tied mouths of statues

with pieces of cloth. The action was dated to the fourth anniversary of a disputable presidential election in Belarus.

On 25 March Kseniya Stasiukevich fined Aliaksei Kirkevich, Deputy Chairperson of the local organization of the *Young Front*, 1,225,000 rubles for distribution of the newspaper *Khrystsiyanskaya Abarona*.

4. Politically motivated criminal persecution

On 19 March Volha Shupikava, investigator of the Tsentralny District Police Department of Homel, presented to Yauhen Yakavenka, the activist of the Belarusian Christian Democracy who demanded to be assigned to alternative civilian service, a ruling on instigation of a criminal case against him as an evader from military service. Meanwhile, on 12 March the Homel Region Court granted Yakavenka's cassation complaint on the administrative case that had been brought on the initiative of the Homel City Military Enlistment Office and abolished the fine to which he had been sentenced by a lower court.

5. Freedom of peaceful assemblies

On 24 March the Leninski District Court of Minsk fined the members of the Human Rights Center *Viasna* Ales Bialiatski, Valiantsin Stefanovich and Iryna Toustsik 15,000 rubles (about $5) each for holding an unauthorized picket. The human rights defenders used an innovation in the Administrative Code, paragraph 6 of Article 6.5 of the Administrative Code, according to which a minimal punishment can be issued for a misdemeanor. The matter is that on 23 March they came to the Presidential Administration and unrolled the transparency 'No to Death Penalty' to protest against the apparent execution of death convicts Vasil Yuzepchuk and Andrei Zhuk, whose cases were pending at the UN Human Rights Committee. In several minutes they were detained by the police and guarded to the delinquents' isolation center in Akrestsin Street where they spent the night before the trial.

6. Freedom of associations

On 2 March the Ministry of Justice refused to register the Assembly of NGOs for the third time. As it follows from the papers, the reasons for the registration denial had little difference from that of the previous times. At the same time, Siarhei Matskevich, Chairperson of the Assembly's Working Group, emphasized that this time the Ministry of Justice openly declared its position. 'They state that democratic organizations cannot form associations. It means that we are deprived of this right in Belarus,' commented Mr. Matskevich.

On 4 March the Supreme Court left standing the decision of the Hrodna Region Court concerning the non-registration of the Slonim NGO *Zalaty Leu* by the justice department of the Hrodna Region Executive Committee.

On 11 March the panel of judges on civil cases of the Minsk Region Court turned down the complaint against the verdict of the Valozhyn District Court about passing the Polish House in Ivianets to the pro-governmental Union of Poles in Belarus. It means that the disgraced Union of Poles, headed by Anzhalika Borys, lost this property for good.

On 30 March the Supreme Court of the Republic of Belarus turned down the complaint of the *Young Belarus* movement against its non-registration by the Ministry of Justice.

7. Freedom of conscience

On 26 March the Minsk City Court didn't grant the complaint of the *New Life* Church against the verdict of the Maskouski District Court of Minsk according to which the Protestant community had been sentenced to pay 8,750,000 rubles for environmental pollution. Bear in mind that according to the assessment of the Committee of Natural Recourses and Environmental Protection, the church was also obliged to pay about 263 million Belarusian rubles for the harm it had allegedly

inflicted to the environment. Thus, the total sum of the sanctions against the Protestant community was 271,548,725 rubles (about $100). As said by Siarhei Lukanin, the church lawyer, the judges ignored the believers' arguments about the unlawfulness of actions of the committee's officers and also refused to discriminate in the extent of the guilt of the believers.

8. Electoral rights

On 25 March a Homel activist of the Belarusian Christian Democracy, Aliaksandr Sharypau, was registered as a candidate for the Homel Region and the Homel City Councils. The following day he was warned that his labor contract, expiring on 3 Mary, wouldn't be extended. A.Sharypau, chief engineer of the private enterprise *Homelkaapdruhresursy*, was informed that this decision had been taken by higher administration – at *Homelablspazhyusayuz*.

Review-Chronicle of Human Rights Violations in Belarus in April 2010

The local council election was the main event in April. According to information of Lidziya Yarmoshyna, Chairperson of the Central Election Commission, 21,293 deputies were elected to local councils on 25 April. Among them there were nine representatives of democratic opposition, including 3 members of the Belarusian Christian Democracy Party, 5 members of the Belarusian Party of Leftists *Fair World* and 1 member of the Belarusian Social Democratic Party *Hramada*.

Participants of the monitoring campaign *Human Rights Defenders for Free Elections* vigilantly watched all stages of the electoral campaign and concluded that the general spirit of the campaign corresponded to the previous ones. Likewise with the previous elections, serious systemic retractions from the democratic standards were registered, for which the Belarusian authorities had often received fair criticism. Thus, the BDIHR/OSCE recommendations concerning democratization of the electoral process remained actual. However, it was also noted that the amendments that were introduced in the election legislation fostered to a certain extent the progress of the national election legislation towards the international democratic standards. First of all it concerns the abolition of strict limitations in the procedure of nomination and registration of candidates for deputies.

At the end of April, the trial of the criminal case against the Vaukavysk entrepreneurs Mikalai Autukhovich and Uladzimir Asipenka came to an end. There were two more defendants in the case, former police lieutenant colonel Mikhail Kazlou and Aliaksandr Laryn. The trial started at the Supreme Court on 10 March and lasted for more than a month. On 20 April, following the court debates, Prosecutor Eldar Safarau demanded that Autukhovich was sentenced to 20 years of imprisonment with confiscation of property, U.Asipenka and A.Laryn – to 11 years of high security colony and M.Kazlou – to 3 years of general regime colony with deprival of the right to occupy executive positions.

M.Autukhovich and U.Asipenka pleaded innocent and stated that they were persecuted because of their anticorruption activities. Both had been kept in custody since 8 February 2009 and were charged with preparation of a terrorist act against high-rank state officials and arson of a policeman's house.

Bear in mind that Mikalai Autukhovich, Uladzimir Asipenka and Yury Liavonau were detained on 8 February 2009. In ten days, they were charged under Article 218 of the Criminal Code (deliberate destruction or anientisement of property). On 20 November U.Asipenka and M.Autukhovich also faced charges in preparation of a terrorist act. In the beginning of August Yu.Liavonau was released from jail and on 24 September he was cleared of all charges.

The crackdown on independent media continued. During the press conference in Minsk on 29 April, journalists of private media Sviatlana Kalinkina, Maryna Koktysh, Natallia Radzina and Iryna Khalip reported ceaseless pressure on the part of the state security services. Short before the press-conference, all of them were interrogated at the Pershamaiski District Police Department of Minsk in connection with a criminal case that had been instigated by the Homel Region Procuracy concerning libelous web publications about Ivan Korzh, former head of the Homel Region KGB Department. The computer system blocks and information carriers that had been confiscated from the journalists still remained at the disposal of the investigative organs. According to Natallia Radzina, editor of the *Charter'97* website, no information libeling Ivan Korzh was found at the 8 computers that had been confiscated from the organization office. However, more than 3,000 files with words 'dictatorship', 'Jerzy Buzek' and 'European Parliament' were found, as a result of which another criminal case was instigated.

On 29 April extraordinary debates on Belarus took place in Strasbourg. The Parliamentary Assembly of the Council of Europe (PACE) decided to suspend its activities involving high-level contacts with the Belarusian Parliament and/or the governmental authorities, having noted a 'lack of progress' towards Council of Europe standards and a 'lack of political will' on the part of the authorities to adhere to the

Organization's values. The appropriate PACE resolution also expresses regret concerning the recent events in the country including the execution of Andrei Zhuk and Vasil Yuzepchuk, the situation of the Polish minority and the absence of international observers during the local election.

The American human rights organization *Freedom House* ranked Belarus 189th place (out of 196) in freedom of press. As far as freedom of press is absent in Belarus, the country traditionally occupies closing positions in such ratings.

On 6-8 April the 37th congress of the International Human Rights Forum of the International Federation for Human Rights held by the International Federation for Human Rights (FIDH) took place in Yerevan, Armenia. It was attended by 300 delegates from different parts of the world including the Belarusian human rights defenders Ales Bialiatski and Valiantsin Stefanovich. During the congress, Ales Bialiatski, Chairperson of the Human Rights Center *Viasna*, was elected for the second term as vice-president of the FIDH by secret vote.

1. Electoral rights

On 2 April Heorhi Stankevich, a candidate for the Beshankovichy District Council, received a warning from the district election commission for alleged improper remarks concerning deputies of the district council of the 25th convocation during his electoral radio speech. As a result, the speech wasn't put on air.

On 6 April a member of the Belarusian Social Democratic Party *Hramada* Aleh Ramashkevich, a candidate running at the Berastavitskaya election constituency #18, lodged a complaint with the Central Election Commission against censure of his speech and change of its air time by workers of the Hrodna regional radio station. As a result of interference of the radio workers, the speech became almost two minutes shorter as the most important expressions that formed its

core were deleted. The candidate asked the CEC to identify and punish the guilty and provide him with an opportunity to appear at the regional radio again. Meanwhile, on 30 April Ramashkevich was fined 875,000 rubles (about $296) on charges of posting agitation leaflets in wrong places. Bear in mind that Ramashkevich ran opposed by Chairperson of the Hrodna Region Executive Committee Arkadz Karputs, Chairperson of the Berastavitsa District Council and Chairperson of the Berastavitsa electricity network.

As it was discovered on 25 April, 4 candidates for deputies of the Chysts Village Council, S.Bazhko, H.Kurylovich, S.Miroshnikau, and A.Ulchyts were also members of precinct election commissions, which is a gross violation of the electoral legislation. The complaint about this fact was lodged with the Maladzechna District Procuracy at 3.20 p.m. on 25 April, after five days of early voting and 7 hours of voting on the Election Day. As a result, the election at these precincts was to have been declared invalid, and the registration of these people as candidates was to have been annulled. However, according to Lidziya Yarmoshyna, Chairperson of the Central Election Committee, these persons were excluded from the election commissions and didn't participate in the counting of the poll. As a result of such election, violators of election legislation became 'deputies'.

On 26 April the Maskouski District Court of Minsk found Ales Taustyka, Chairperson of the council of entrepreneurs of the *Zhdanovichy* market guilty under Article 17.1 of the Administrative Code, 'disorderly conduct', and fined him 175,000 rubles (about $59). The activist had been detained on 24 April at election precinct #27 of the Sukharauskaya election constituency #30 while observing the early voting as electioneering agent of an activist of the *For Freedom* movement Ales Lahvinets, a candidate for the Minsk City Council. Taustyka was kept at the delinquents' isolation center in Akrestsin Street till the trial.

On 29 April democratic candidates for the Mahiliou Region Council Tamara Maskaliova, Yury Novikau, Mikalai Rasiuk, Larysa Shukaila, Aliaksandr Silkou and Yury Stukalau addressed the regional election commission with complaints demanding to consider the election

in their constituencies as invalid. The reason was that none of their representatives were included in the precinct commissions and they were deprived of the possibility to distribute agitation materials in their constituencies. Moreover, independent observers were unable to witness the counting of the poll.

2. Persecution of public and political activists

On 5 April the Leninski District Court of Minsk fined Andrei Krechka, Chairperson of the BPF Youth, 700,000 rubles (about $236) under Article 23.34 of the Administrative Code, 'violation of the order of organizing and holding mass events' for participation in the picket of solidarity with political prisoners Mikalai Autukhovich and Uladzimir Asipenka on 16 April. The unauthorized action took place near the Supreme Court during a court sitting on the criminal case of the Vaukavysk entrepreneurs. Fines were also given to other participants of the picket. Aleh Ladutska, an activist of the *European Belarus*, was fined 700,000 rubles. In two cases, the court took into account paragraph 6.5 of the Administrative Code, as a result of which Artur Finkevich, the leader of the *Young Belarus*, and Yauhen Afnahel, an activist of the *European Belarus*, received minimal fines – 17,500 rubles (about $6) each.

On 14 April political draftee Franak Viachorka got an early discharge from military service on medical grounds, having served 15 months (only three months were left). By the way, as it was written in the final diagnose of the military medics, F.Viachorka got a heart illness while serving in the army, that's why he was convinced in having sufficient reasons to apply to court against unlawful actions of the medics who had forged diagnoses during his drafting, and members of the draft board by which he had been drafted. He also intended to demand compensation from the military officers and medics who ignored his state of health and discharged him from the army only after 15 months of service.

On 20 April the Kastrychnitski District Court of Vitsebsk was to have started the trial of the criminal case against civil activist Siarhei Kavalenka who had hung out a white-red-white flag on the main New Year tree of Vitsebsk in the beginning of January. The trial was delayed because the accused raised a white-red-white flag in front of the court building right before it, and was detained together with his younger brother Vital and Taras Surhan, an activist of the *Young Belarus*.

On 21 April the Kastrychnitski District Court of Vitsebsk found the Kavalenka brothers guilty under Article 23.34 of the Administrative Code ('violation of the order of organizing and holding mass events') and sentenced Siarhei to 7 days of arrest and Vital – to 6 days. In addition, the former was fined 70,000 rubles (about $24) for alleged urinating in public. On 23 April, the court also sentenced T.Surhan to 9 days of jail.

On 28 April the Tsentralny District Court of Minsk fined Aliaksei Atroshchanka, Andrei Kuzminski and Mikhail Naskou 17,500 rubles under Article 23.34 for having come to the Kastrychnitskaya Square with banners 'We demand passing Bakiyeu to the Kyrgyz people and 'No – to dictators of the whole world'. The action lasted for several minutes only, after which all participants were detained by the police and guarded to the Tsentralny District Police Department of Minsk where they were given administrative charges. They were kept at the delinquents' isolation center in Akrestin Street during the night before the trial.

On 30 April workers of the crime detection section of the Navapolatsk Town Police Department conducted a search at the office of human rights defender Zmitser Salauyou. This investigative measure was sanctioned by the town prosecutor and was conducted within the frames of a criminal case under article 341 of the Criminal Code – 'defilement and anientisement of buildings', concerning the appearance of Nazi inscriptions on the town walls. As a result, police confiscated a computer system block, CDs, white-red-white flags and many printed materials. All this was done despite the fact that during the last two years Salauyou had repeatedly applied to the procuracy in connection with activaties of neo-Nazis in Navapolatsk. A similar search took place in Salauyou's

office before the presidential election of 2006, and the confiscated computer equipment still hasn't been returned to the owner.

3. Freedom of word and the right to impart information

On 1 April the Shchuchyn police detained Mechyslau Yaskevich, Deputy Chairperson of the unrecognized Union of Poles in Belarus (headed by Anzhalika Borys), and Veranika Sebastsianovich, Chairperson of the association of veterans of the Polish Army and the World War II, on the highway – Hrodna-Minsk not far from Shchuchyn. Police examined their car and confiscated 450 copies of *Magazyn Polski na Uchodzstwie*, a magazine issued by members of the unrecognized Union of Poles.

In April police detained the personal car of Viktar Ramniou, manager of the private Unitarian enterprise *Vitebskiy Korund* and founder of the *Vitebskiy Kuryer* and *Nash Dom* newspapers several times. On 1 April they confiscated from him 53 copies of *Vitebskiy Kuryer* and drew up a violation report under Article 22.9, part 2 of the Administrative Code, 'distribution of periodicals containing no imprint', though the newspapers had imprint on the back page. On 8 April the road police stopped the car on the way from the Smolensk printing house where the newspapers were printed. The car was guarded to the Horki District Police Department, where 10,000 copies of the newspaper were confiscated and another report under Article 22.9 was drawn up. Bear in mind that Ramniou had been already fined a large sum of money in March for distribution of private editions, because police qualified as distribution the mere transportation of newspapers from Russia and stated that a special permission was necessary for distributing the editions which were registered in Russia.

The Homel newspaper *Silnye Novosti Gomelya* was denied registration by order #43 of 1 April 2010 signed by the Information Minister, Aleh Praliaskouski. He explained the refusal by stating that the registration

documents contained false information about the service record of a Homel journalist Tatsiana Bublikava (the chief editor), and her qualification didn't correspond to requirements of the reference book *Positions of Workers of Periodicals*. Piatro Kuzniatsou, manager of the Unitarian enterprise *Drukavanaye Slova*, said: 'The refusal to register the edition with the state means a ban on the profession of journalist. People cannot get 5 years of service record as editors if they aren't allowed to head newspapers.'

On 18 April the General Assembly of the European Federation of Journalists adopted an urgent resolution on freedom of the press in Belarus. The European journalist community expressed solidarity with its Belarusian colleagues and called on the Belarusian authorities to stop the discrimination of private media, give them full access to information and put the national legislation in line with international standards.

On 22 April the Belarusian Association of Journalists received an answer from the Homel Region Procuracy to an inquiry concerning a series of searches and interrogations of journalists. The answer of the deputy prosecutor runs that no violations were found in the investigation of the criminal case concerning libel in the internet against Ivan Korzh, former Chairperson of the Homel Region KGB Department, that's why there were no grounds for prosecutorial reaction. Bear in mind that in the beginning of March the BAJ had addressed Prosecutor General Ryhor Vasilevich with an open letter where it was stated that such actions were a rude crackdown on freedom of word. The General Procuracy forwarded the letter to the Homel Region Procuracy for consideration on its merits. As a result, the letter got to Prosecutor Valiantsin Shayeu, who had sanctioned some of the aforementioned searches in journalists' apartments.

On 19 April Judge of the Beshankovichy District Court Volha Belavus found Heorhi Stankevich, a member of the organizing committee of the Belarusian Christian Democracy Party running for the Beshankovichy District Council, guilty under Article 22.9 of the Administrative Code, 'violation of the Law *On press and other mass media* and fined him 700,000 rubles ($236) for distribution of the self-published newspaper

Kryvinka. Bear in mind that Mr.Stankevich issued and distributed the newspaper for five years and hadn't received any punishments for it before the election campaign.

4. Politically motivated criminal persecution

On 2 April officers of the Pershamaiski District Police Department of Minsk interrogated Ruslan Matsveyeu as a witness within the frames of a criminal case concerning political graffiti. At first, investigator Smirnou asked the youngster about his participation in youth organizations and then – what he had been doing at night of 11-12 March, when political graffiti had been made on the fence and the walls of the Pershamaiski District Court of Minsk. The investigation took Matsveyeu's fingerprints, saliva sample for DNA analysis and proposed him to undergo examination by polygraph.

On 16 April, coordinator of the *For Freedom* movement in the Hrodna region Ales Zarembiuk was detained at an exit from the town of Ashmiany. At the same time, his apartment and the apartment of his parents were searched within the frames of the criminal case that had been instigated against him on charges in defraud (he had allegedly borrowed some money and didn't return it). Ales Zarembiuk stated that all these actions were connected to his participation in the local council election. Prior to this, he had to visit the local KGB department, whose officers tried to accuse him of unlawful trade of foreign visas. Before this, they spoke of pushing drugs and rape.

The trials of the criminal cases instigated for alleged evasion from military service continued in April. The Minsk District Court considered the case of Ivan Mikhailau, believer of the community of Messianic Jews *New Testament*, who refused to serve in the army for religious reasons. At the court sitting of 28 April, Prosecutor Pastukhova stated that Mikhailau violated Article 435 of the Criminal Code of the Republic of Belarus and demanded to fine him 7 million rubles (about $2,360). Bear in mind that I.Mikhailau had been sentenced to three months of arrest on this very

article and had served almost the whole term of the arrest before his release resulting from the abolishment of the verdict by the cassation instance. *Amnesty International* declared Mikhailau prisoner of conscience.

On 26 April the Tsentralny District Court of Homel considered the criminal case against Yauhen Yakavenka, a member of the Belarusian Christian Democracy Party. The court listened to explanations on the merits of the issued charges. The court ignored the fact that Yakavenka had been already acquitted of the same charges within the limits of an administrative case, and paid no attention to the defendant's repeated demands to be assigned to alternative civilian service. The motion of Yakavenka's counsel about summoning additional witnesses was declined. The next court sitting was appointed on 12 May.

At the end of April, the General Procuracy instigated a criminal case concerning commentaries to the article about veterans of the war in Afghanistan that had been reprinted by the *Charter'97* website from *Sovetskaya Belorussiya*, the mouthpiece of the Presidential Administration. In this article, a Vaukavysk entrepreneur, veteran of the war in Afghanistan Mikalai Autukhovich was denigrated by a representative of the official organization of veterans of the war in Afghanistan. More than 100 commentaries condemning the author of the article appeared at www.charter97.org as a result. Nevertheless, the case included only two veterans of the war in Afghanistan, Aleh Vouchak and Aliaksandr Kamarouski, who are well-known for their democratic views and active civil position.

5. Freedom of association

On 22 April the Supreme Court of Belarus started consideration of the complaint of founders of the Belarusian Assembly of NGOs concerning the refusal of the Ministry of Justice to register it with the state. The sides and members of the public took the floor. Representatives of the ministry merely repeated their argument that associations could consist only of organizations having a common subject of activities. 'However, it contradicts to the existing practice of registration of associations in

Belarus', stated lawyer Yury Chavusau. 'This argument is evidently unlawful, as it deprives the Assembly of any opportunity to obtain the state registration'. The next court sitting was scheduled for 4 May. Ihar Milto, Judge of the Supreme Court, asked the ministry to pass him the registration documents of the Assembly.

6. Activities of security services

On 7 April Maryna Yauseichyk, a student of the faculty of journalism of Belarusian State University, received a telephone call from a man who introduced himself as KGB officer Zmitser. He insisted on her coming to the KGB department for a talk the following day. When she tried to object, he said that he needed to question her concerning the explosion that had taken place in Minsk on 4 July 2008.

He phoned again in the morning on 8 April and asked whether she would come to the meeting. Maryna didn't know how to behave in such a situation and agreed to meet with him. The talk lasted for three hours. The KGB officer eventually took out his laptop and showed her a video from the congress of the World Association of Belarusians *Baćkaŭščyna* where she could be seen. Then he proposed to help Maryna in solving the possible problems arising from this fact in exchange for her collaboration. Being under such psychological pressure, she signed the paper. 'At the same time, I understood that I don't want and will not cooperate with them and all I needed was to be in time for the bus and to forget about this unpleasant meeting as soon as possible,' she said.

On 23 April Yury Karmanau, a Belarusian correspondent with the *Associated Press* information agency, received a telephone call from a man who introduced himself as KGB officer Aleh Anatoliievich. The KGB officer invited him for a conversation concerning his recent visit to Kyrgyzstan. Karmanau had been in Kyrgyzstan on a mission of the Moscow editorial board of the *Associated Press* on 8-19 April, elucidating the coup d'etat there. The journalist refused to come to any 'conversations' without an official writ.

Review-Chronicle of Human Rights Violations in Belarus in May 2010

In May, the legal proceedings on four politically motivated criminal cases came to an end, two new death verdicts were issued and several peaceful actions were dispersed, including actions of activists of sexual minorities. As a result of a clash with police, youth activist Zmitser Parmon got to hospital with a broken clavicle. Although several civil activists were sentenced to arrests, the administrative persecution in May was mainly confined to fines.

On 18-19 May Belarus was swung with a wave of searches and detentions of activists of the civil initiative *Speak Truth!* The leader of the campaign, poet Uladzimir Niakliayeu, the chief editor of the *Tovarishch* newspaper, Siarhei Vazniak, and an activist of the United Civil Party Andrei Dzmitryieu were kept in custody for three days.

The increase of repressions was connected to the approach of the presidential election campaign, a significant event in the socio-political life of the country.

In May, the Human Rights Center *Viasna* adopted five statements concerning revolting facts of human rights violations. One of them, a joint statement with the Belarusian Helsinki Committee, concerns the two new death verdicts that were issued in Belarus. Another one, co-adopted with the International Federation for Human Rights (FIDH) on 27 May, evaluated the general situation in Belarus. The abnormal situation of human rights in the country started to deteriorate even further. Human rights defenders stated that repressions towards active groups of the civil society acquired a systemic character.

On 19 May Jerzy Buzek, Chairperson of the European Parliament, called on the Belarusian authorities to stop immediately all repression and intimidation of civil society groups and to get back on the way to democratization. He also stated that the local election of 25 April 2010

was disappointing and did not bring any visible progress both in terms of transparency and correspondence to democratic standards.

On 3 May the UN session concerning the procedure of the Universal Periodical Review opened in Geneva. The UN Human Rights Committee considered reports on the situation of human rights in a number of countries including Belarus. The discussion of the report of the Belarusian government was attended by Belarusian human rights defenders who prepared an alternative report on Belarus. On 14 May, recommendations for the improvement of human rights situation in Belarus were issued on the results of the UPR procedure towards Belarus. On 20 May, the International Federation for Human Rights (FIDH) distributed a press release *On the occasion of the Universal Periodic Review of Belarus, the issues of death penalty, freedom of speech, freedom of association and assembly as well as the prohibition of torture and the independence of the judiciary*. FIDH, its member organization Human Rights Center *Viasna* and the Belarusian Helsinki Committee expressed a deep regret that the delegation did not make concrete commitments for their implementation.

Representatives of the official delegation stated that freedom of association could be freely pursued, that the civil society was benefiting from favorable conditions of work and that the media was independent. The human rights organizations called on the government of Belarus to take immediate steps to implement the recommendations it had accepted.

One of the positive moments was that acquittals were issued on two criminal cases concerning the alleged 'draft-dodging' by conscientious objectors who asked to be assigned to alternative civil service. On 4 May, the Minsk District Court acquitted Ivan Mikhailau, who had served almost three months of arrest for draft-dodging (he was declared a prisoner of conscience by *Amnesty International*). On 31 May, the Tsentralny District Court of Homel acquitted Jehovah's Witness Dzmitry Smyk who had been fined 3.5 million rubles (about $1,170) by the Tsentralny District Court of Homel. Human rights defenders considered these verdicts as a victory of the civil society of Belarus

and the first step towards the introduction of the Law *On Alternative Civilian Service*.

At the end of May, international human rights organization *Amnesty International* published its yearly report on human rights violations worldwide. Belarus' entry reads: 'The government continued to hand down death sentences. Public events were banned and peaceful demonstrators were detained or ill-treated in police custody. The rights to freedom of association and expression were restricted. Inadequate measures were taken to counteract violence against women. State control over the media continued.' Belarusian human rights defenders called this report a serious indicator for the Belarusian authorities confirming the necessity of an urgent liberalization of the national legislation and putting the means of its implementation in line with international standards in the sphere of civil and political rights.

1. Death penalty

On 12 May human rights defenders addressed Prosecutor General and Chairperson of the Supreme Court with inquiries concerning the number of death sentences issued in 1990-2009.

This action was taken within the guidelines of the *Human Rights Defenders Against Death Penalty* campaign. As stated by Brest human rights defender Raman Kisliak, this information was necessary for human rights defenders to continue the campaign on informing the population about the use of the death penalty in Belarus.

On 14 May the Hrodna Region Court sentenced to death two citizens of Hrodna, Aleh Hryshkautsou (29 years old) and Andrei Burdyka (28 years old). They were found guilty of an especially violent murder of three persons, robbery with infliction of hard bodily injures, intentional damage to property and the abduction of a minor. On 17 May, the Belarusian Helsinki Committee and the Human Rights Center *Viasna* condemned the death verdicts. Their official statement was also upheld

by *Amnesty International*. The human rights defenders underline that the verdicts were issued literally two days after the criticism that had been voiced during the session of the working group for the presentation of UPR concerning the use of the death penalty by Belarus.

Thorbjørn Jagland, Secretary *General* of the Council of Europe, Antonio Miloshski, Chairperson of the Committee of Ministers of the Council of Europe, and Movlud Chavusoglu, Chairperson of the Parliamentary Assembly of the Council of Europe, urged Belarus to abolish the death penalty immediately.

2. Politically motivated criminal persecution

On 6 May the Supreme Court of the Republic of Belarus issued a verdict on the criminal case of Mikhail Kazlou, Aliaksandr Laryn, Uladzimir Asipenka and Mikalai Autukhovich. The accused spent a considerable time in custody before the trial (more than 12 months). At the trial, Mikalai Autukhovich, Uladzimir Asipenka and Aliaksandr Laryn were acquitted of intentional destruction of property and preparation to a terrorist act. As it follows from the verdict, Mikalai Autukhovich, Uladzimir Asipenka and Aliaksandr Laryn were convicted under Article 295, part 3 of the Criminal Code – unlawful operations with firearms, ammunition and explosives, and Mikhail Kazlou – under Article 425 – inaction of a duty official, and got 5, 3, 3 and 2 years of imprisonment respectively. The investigation of this criminal case was closed from the very beginning. The lawyers of the accused were banned to disclose any information about the investigation under the threat of criminal responsibility. Nevertheless, the trial at the Supreme Court was open, which allowed representatives of the Belarusian and world community, mass media and human rights organizations watch its pace. The Human Rights Center *Viasna* and the Belarusian Helsinki Committee adopted a joint statement on the results of the trial. In this document, they demanded that General Prosecutor and Chairperson of the Supreme Court held a check-up of the legality and validity of the verdict issued, discharged the convicts and drew to legal account the duty

officials who had committed gross violations of the criminal process legislation during the preliminary investigation. The UK Embassy in Belarus, representing the country holding the EU presidency, issued a statement on 10 May. The statement says that the proceedings in the case of Mikalai Autukhovich, Uladzimir Asipenka, and Mikhail Kazlou were defined by serious procedure violations. Taking into account the fact that Autukhovich had taken an active part in defending the rights of entrepreneurs and veterans of the war in Afghanistan, as well as his public anti-corruption statements, the criminal proceedings can be regarded as politically motivated.

On 14 May the Kastrychnitski District Court of Vitsebsk issued a verdict on the criminal case of Siarhei Kavalenka, a Vitsebsk activist of the Conservative-Christian Party *Belarusian Popular Front* – three years of personal restraint without direction to an open penitentiary institution. He was also sentenced to pay compensations to policemen Ivanou and Palityka (1 million rubles (about $335) to each) and Maksimau – 1,5 million rubles (about $503), 1,222,000 rubles (about $410) to the *Harsviatlo* enterprise, for allegedly damaged illumination on the New Year tree, and 62,000 rubles (about $21) – to *Zelianbud*. Siarhei Kavalenka was detained at about 1.p.m. on 7 January on Peramohi Square in Vitsebsk after hanging out a white-red-white flag on the top of 40-meter tall New Year tree. A criminal case was instigated under Article 339, 'intentional actions that rudely violate the public order, express an evident disregard for the society and are accompanied with violence or threats of its use, destruction or anientisement of foreign property or are defined by an exceptional cynicism', and Article 363, part of the Criminal Code, 'resistance to a policeman or another person guarding the public order'.

On 25 May the prison term of a participant of the *Process of 14*, *Young Front* activist Artsiom Dubski, came to an end. At his first press conference after release from jail, he stated he would continue his engagement in civil activities.

3. Persecution of civil and political activists

On 12 May the Leninski District Court of Minsk tried the democratic activists who had been detained by the police after an action of solidarity with political prisoners Uladzimir Autukhovich, Uladzimir Asipenka and Mikhail Kazlou near the Supreme Court. Well-known politician Aliaksandr Kazulin was tried by Judge Mikhail Khoma and was fined 700,000 rubles (about $234). Mikola Dzemidzenka, Ales Makayeu and Uladz Yaromenka were fined 525,000 rubles ($176) each.

On 19 May the case of Anton Azaranka, a Homel activist of the *Young Front*, was considered by an administrative commission. Azaranka was found guilty under Article 21.14 of the Code of Administrative Offences (CoAO), 'violation of the rules of urban maintenance', and was sentenced to pay a fine of 600,000 rubles (about $200) for posting *Young Front* agitation. The commission ignored the fact that he admitted his guilt and asked to be punished with a minimal fine according to Article 6.5, paragraph 6 of CoAO.

On 20 May the Savetski District Court of Homel sentenced Kastus Zhukouski, an activist of the Party of the Belarusian Christian Democracy, to pay the maximum fine (1,750,000 rubles, about $583) for having insulted a policeman at an election precinct. Judge Valyshynenka refused to lead the trial in the Belarusian language and to request information about the number of Zhukouski's applications to police concerning violations of electoral legislation. According to the BCD press service, Judge didn't even leave the court hall to issue the verdict – he simply took the printed text of the verdict out of his table.

On 30 May evening a Mahiliou activist of the *Young Front* Dzmitry Zorka was detained by the police after the organization assembly in Minsk. The police examined his personal belongings saying they were looking for drugs. Having found the book *Young Front Activists*, they guarded him to the Tsentralny District Police Department of Minsk where he was mugged and fingerprinted. Then the activist was released without receiving any charges. As a result, he missed his train to Mahiliou.

4. Freedom of speech and the right to impart information

On 6 May Valiantsina Kismiaroshkina, Judge of the Pershamaiski District Court of Vitsebsk, fined Viktar Ramniou, founder of the *Vitebskiy Kuryer* newspaper, 1, 050 000 rubles (about $353) for trafficking 53 copies of the newspaper that had been found in his car by the police. This wasn't the first fine he got fined for transporting newspapers.

On 7 May Brest human rights defenders Raman Kisliak and Andrei Sharenda were detained for handing out the UN *Convention* for the Protection of All Persons from Enforced *Disappearance*. The action was dated to the 11th anniversary of abduction of Yury Zakharanka, a former Interior Minister and opposition politician. The detainees were guarded to the Maskouski District Police Department of Brest, where the printed production was confiscated from them. Then Kisliak and Sharenda were released without getting any charges. The human rights defenders appealed the police actions without any success.

On 20 May the Belarusian Association of Journalists (BAJ) made a statement to express its indignation at the new wave of repressions against freedom of speech in Belarus. The wave started on 18 May with another police raid at offices and private apartments of civil activists. '20 May marks the second day of the detention of our colleague, a member of the BAJ Council and the editor of *Tovarishch* newspaper Siarhei Vazniak. No charges have been brought against him, but he remains a suspect in a criminal case, initiated according to Article 250 of the Criminal Code on distribution of libelous information,' the BAJ statement goes. Two more civil activists, Uladzimir Niakliayeu and Andrei Dzmitryieu, were also detained. Moreover, several more BAJ members were searched and interrogated during a police raid on 18 May, namely Yury Aleinik, Yury Varonezhtsau, Larysa Nasanovich, Aliaksandr Ulitsionak and Aliaksandr Fiaduta. Their private computer equipment and information carriers were also confiscated. The Belarusian Association of Journalists considers the raid of 18 May

to be entirely in the context of the previous actions of the authorities aimed at suppression of freedom of speech in Belarus. On 19 May 2010 Belarusian journalists, BAJ members Natallia Radzina, Sviatlana Kalinkina and Maryna Koktysh were once again summonsed by the police. Most of their professional equipment wasn't returned. According to BAJ, the real aim of the raids was to interfere with the free flow of information in the Belarusian society. 'We call upon the Belarusian society and the international community to express their protest against violations of freedom of speech in Belarus', stated BAJ.

5. Freedom of peaceful assemblies

On 7 May a memorial picket dedicated to the 11th anniversary of the abduction of Yury Zakharanka, former Interior Minister and member of the United Civil Party, was held in Minsk. Civil activists lined up with portraits of Yu.Zakharanka in their hands, and then laid the portraits and flowers down to the porch of the house where he lived. The same day, the Kastrychnitski District Court of Minsk fined seven action participants under Article 23.34 of the Code of Administrative Offences, 'violation of the order of organizing and holding mass events'. Zmitser Kavalhin was fined 350,000 rubles (about $117), Mikhail Mikulich and Aliaksandr Stsepanenka – 525,000 rubles (about $175) each, Raman Bahdanovich and Aleh Korban – 700,000 rubles (about $233) each, the UCP leader Anatol Liabedzka – 875,000 rubles (about $292) and Siarhei Kliuyeu – 1,050,000 rubles (about $350).

On 15 May police forcedly dispersed a peaceful procession of representatives of sexual minorities in Minsk, banned by the Minsk City Executive Committee several days before. The action participants intended to gather near the Belarusian State Philharmonic and proceed to the Presidium of the National Academy of Sciences. As a result of the dispersal eight persons were detained including two citizens of Russia. Five of them subsequently got minimal fines under Article 23.34 of CoAO.

On 17 May Barysau human rights activists lodged an appeal with the Barysau district executive committee against administrative restrictions on freedom of peaceful assemblies imposed by the local authorities. Aleh Matskevich and Maryna Statkevich argued that the authorities violated the Belarusian Constitution, the Law *On Mass Events* and the International Covenant on Civil and Political Rights by determining just one place for holding rallies – a remote stadium. The applicants stressed that the restrictions imposed by the authorities of the town with the population of 150,000 people run contrary to the very spirit of the Constitution, which proclaims citizens, their rights and freedoms and the guarantees for their implementation the supreme value and objective of society and the State. Therefore, they asked the Barysau TEC to deem the ruling concerning the aforementioned restrictions as unlawful, and determine other locations for mass events, that would be frequented and suitable for informing them by means of street actions.

On 27 May Belgian citizen Adrien Baudouin lodged a complaint with the Maskouski District Court of Minsk, appealing against illegal actions by the police on 17 May when he had been illegally detained together with other participants of an educational event – screening of a film. The youngster, indignant at the rude behavior of the law enforcement officers, asked the court to find their actions unlawful and oblige them to offer public apologies to him. Boduen also directed copies of his complaint to the Belgian Embassy in Moscow and the consulate in Belarus.

The Hrodna City Executive Committee groundlessly refused to authorize a picket for the protection of children's rights that was to be held by members of the Belarusian Independent Trade Union on 1 June, the International Children's Day. A similar refusal was received by human rights defenders in Homel. The official reason was that they didn't pay for serving of the action by police, medics and public utilities. Meanwhile, Anatol Paplauny and Leanid Sudalenka emphasize that determination of only one action site for a city with 500,000 inhabitants, as well as the practice when organizers are obliged to pay for services of the police, medics and public utilities, were contrary to the Constitutional guarantees of the right of peaceful assembly and the international undertakings of Belarus.

6. Torture and other kinds of inhuman treatment

On 27 May police violently dispersed a bicycle rally that was organized by activists of the *BPF Youth* in honor of a well-known Belarusian poet Maksim Bahdanovich. The action participants were beaten by policemen who were dressed in sportive clothes. Among the victims there were Franak Viachorka and Zmitser Parmon, to whom the police broke a clavicle while trying to snatch a white-red-white flag from him. As a result, Parmon was hospitalized and underwent a complex operation, during which he was implanted with a metal plate to hold the parts of the clavicle together.

7. Freedom of association

On 5 May the Supreme Court of Belarus declined a complaint of the Belarusian Assembly of NGOs against its non-registration by the Ministry of Justice. Meanwhile, according to political scientist Yury Chavusau who attended the trial, some of the Assembly's arguments were partially confessed by the court, while some others were rejected. It's worth noting that it was already the third registration denial to the Assembly of NGOs during the recent years.

On 26 May the Supreme Court of Belarus dismissed an appeal lodged by founders of the Belarusian branch of the Ukrainian-based International Helsinki Association for Human Rights against the denial of registration issued by the Justice Ministry. The denial was grounded on an arbitrary explanation of the Ukrainian legislation by the ministry (as far as the central governing organs of the association were located in Kyiv, Ukraine). The Supreme Court decided not to wait for an answer from the Ukrainian Ministry of Justice, though an appropriate inquiry was lodged by founders of the organization.

8. Politically motivated dismissals from work

On 6 May Uladzimir Shyla, the father of well-known Salihorsk activists Ivan and Illia Shylas and an active participant of opposition's street actions (including the events of 19-25 March 2006 in Minsk), was dismissed from work. The man was summoned to the office of his boss, who said that he had had a talk at the 'appropriate organs' concerning Shyla's employment, and was told that he could either fire Shyla or get in trouble. The activist was employed by the state enterprise on 3 May. 'I knew that such thing could happen, but didn't think that it would happen so quickly. This system is rotten to the core,' commented Uladzimir. Before the employment at the state enterprise, he worked at a private construction firm. Then he received a proposal from the state enterprise promising him a higher wage, and agreed to it.

Siarhei Salodkin was dismissed from the position of teacher of the Belarusian language in the secondary school in the village of Koptsi (the Vitsebsk district). According to Salodkin, he was warned about the dismissal more than a month ago: he was summoned to the education department and told that his labor contract wouldn't be extended because of the ineffectiveness of his work. It happened two days after the local election, the preparation to which was criticized by the teacher in his article *Political Pathology*. One of the characters of the article was the head of the education department who also headed the district election commission during the election. The teacher was often hinted at school and at the district education department that his newspaper was considered as oppositional. Another reason that could influence his dismissal was the reluctance of Siarhei Salodkin to join the official teachers' trade union.

Leanid Haishun, a member of the Free Trade Union of Belarus (FTUB) was dismissed from the Babruisk Tractor Aggregates Plant due to the expiry of the labor contract. Trade union activists are sure that the real reason for the dismissal was his membership in the trade union and an active civil position (Haishun used to defend workers' rights). As far as the dismissal violated provisions of the collective agreement, FTUB prepared a legal claim concerning the reinstatement of its activist at work.

On 31 May Mazyr human rights defender Uladzimir Tseliapun, Chairperson of the technical department of the *Belaruskabel* Open Stock Company, received a notice about his dismissal due to the expiry of the labor contract on 30 June. He didn't receive any official explanations from the director of the enterprise. U. Tseliapun is a well-known democratic activist. He ran for the Homel Region and the Mazyr District Councils during the last local election. However, like the overwhelming majority of democratic candidates, he didn't manage to get to echelons of power. He started working at *Belaruskabel* back in 1976, right after army.

9. Freedom of conscience

The conflict between the Protestant Chuch *New Life* and the Minsk authorities continued. Meanwhile, the exaction of the 250 million rubles of compensation for the alleged damage to the environment inflicted by the church was delayed in connection with the reception by the Supreme Court of Belarus of the church's complaint against the verdict of the Maskouski District Court of Minsk of 25 February.

Review-Chronicle of Human Rights Violations in Belarus in June 2010

On 8 June representatives of the Human Rights Center *Viasna* and the Belarusian Helsinki Committee held a press-conference to analyze the situation during the first six months of 2010. They stated the absence of positive changes concerning the respect of human rights along with the deterioration of the general situation due to the approach of the presidential election. What concerns the latest amendments to the Electoral Code, human rights defenders alleged that they had little influence on the latest local election, which didn't have significant differences from the previous ones.

Belarusian human rights defenders were especially concerned with the ongoing issue and execution of death sentences in the country.

On 18 June the Human Rights Center *Viasna* and the International Federation for Human Rights (FIDH) adopted a joint statement concerning the hunger-strike of Vaukavysk entrepreneur Mikalai Autukhovich at pre-trial prison. They demanded that Autukhovich should be provided with the necessary medical aid. Representatives of the human rights community insisted that conditions in prisons and other places of forced detention remained a great problem in Belarus. This was also confirmed by Prosecutor General, Ryhor Vasilevich: during the press conference on the Day of Procuracy, 23 June, he stated that his agency had presented a report about the conditions in penal colonies and pre-trial prisons. Officers of the procuracy expressed the opinion that in many cases these conditions didn't correspond to residential, sanitary and medical norms. 'Violence, both psychological and physical, must be avoided in prisons,' said prosecutor.

In June, the Council of the Republic of the National Assembly adopted the law *On amnesty in connection with the 65th anniversary of the Victory in World War II.* About 2,230 people were released as a result, including about 900 persons kept in open penitentiary institutions.

Prison terms were reduced for 9,300 convicts. Belarus holds the second place in Europe (next to Russia) on the number of prisoners per capita. An average prison term in our country is also among the highest in Europe – 6.3 years. As Viktar Huminski, Chairperson of the National Security Commission of the National Assembly, confessed in an interview, 'amnesties are unable to solve the problem of large number of prisoners in Belarus, it is necessary to introduce changes to the legislation for it.' According to Huminski, Belarus needs to change the punishment for economic crimes in order to stop being a leader in the number of convicts per capita.

On 9 June US President Barack Obama extended sanctions against a number of state officials of Belarus for another consecutive year. 'The actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus democratic processes or institutions, to commit human rights abuses related to political repression, and to engage in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States,' Obama said in a message to the Congress. 'For this reason, I have determined that it is necessary to continue the national emergency declared to deal with this threat and the related measures blocking the property of certain persons,' he said.

On 18 June Canada confirmed imposing economic sanctions on Belarus. Back on 30 April Canada Border Services Agency approved the amended Memorandum D19-11-1, according to which economic sanctions were imposed on 14 foreign states and two terrorist groups. 'Imposing economic sanctions against foreign states and non-state agencies is still an instrument for the international community to ensure respect to international norms and laws,' states the document.

Unilateral economic sanctions towards Belarus were imposed for the first time in December 2006. The Canadian side explained it with the wish to exercise pressure on the Belarusian administration due to regular violations of human rights and civil liberties of Belarusian citizens.

1. Persecution of civil and political activists

On 8 June the Pershamaiski District Court of Vitsebsk found a member of the Conservative-Christian Party Siarhei Kavalenka, guilty of disorderly conduct and fined him 105,000 rubles (about $35). On 10 June, his brother, Vital Kavalenka, was also tried there and fined the same sum of money on the same charges. Both brothers were detained on 8 May, on the eve of the Victory Day, 9 May. The Kavalenkas are convinced that it was done to keep them in isolation during the state festivities on 9 May. However, they didn't manage to convince the court in their innocence.

On 16 June Aliaksandr Kuzniatsou, Chairperson of the Vitsebsk organization of the *BPF Youth*, received an official notice that a fine of 35,000 rubles (about $12) had been imposed on him by the Pershamaiski District Administrative Commission of Vitsebsk, for alleged littering the streets of the city with agitation posters. The paper also insists that the activist didn't come to the commission's sitting and therefore was sentenced to a fine in absentia.

On 25 June *Young Front* activists Alena Makarevich and Zmitser Yasevich were detained for handing out white-red-white flags, stickers and leaflets within the guidelines of *City Is Ours!*, a civil campaign launched by the organization. The activists were guarded to the Savetski District Police Department of Minsk, where reports under Article 21.14, part 2 of the Code of Administrative Offences, were drawn up on them, after which they were let go. The reports were passed to an administrative commission.

2. Death penalty

Human rights defenders received an answer from the Ministry of Justice of the Republic of Belarus to their inquiry concerning the numbers of the death sentences that were issued and executed in 1999-2009. The ministry didn't provide them with any information about the

number of executed sentences, confining itself to statistics concerning the number of enforced sentences. As it follows from the answer, a total of 321 persons were sentenced to death during this period of time. The answer of L.Mialhui, Chairperson of the bureau of organization and analytical provision of judicial organs, reads: 'The Ministry of Information of the Republic of Belarus doesn't possess information about the results of the consideration of the cases with death sentences by cassation and review instances, and about the execution of the death verdicts and pardoning the persons who were sentenced to death. The functions of penalty execution are implemented by the Department of penalty execution of the Ministry of Internal Affairs of the Republic of Belarus.' Bear in mind that human rights defenders had addressed the Ministry of Justice, the Supreme Court and the General Procuracy with similar inquiries before, but the aforementioned state agencies just passed the function of voicing the statistics on one another.

3. Politically motivated criminal persecution

On 4 June Tatsiana Shvets, Judge of the Tsentralny District Court of Homel, sentenced Yauhen Yakavenka, an activist of the organizing committee of the Party of Belarusian Christian Democracy, to a year of personal restraint for 'evasion from military service' (Article #415 of the Criminal Code). This happened athwart the positive tendency that manifested in the acquittals of conscientious objectors Dzmitry Smyk and Ivan Mikhailau. A round table *Protection of Belarusian Language in Belarus: Yauhen Yakavenka* was held by the Belarusian Christian Democracy on 15 June in Minsk. Human rights defenders, political and civil activists discussed all aspects of Yakavenka's case and signed an address to President, the Chamber of Representatives and the General Procuracy. Human rights defender Valiantsin Stefanovich stated at the round table that international human rights organization *Amnesty International* prepared a campaign for reversal of the verdict to Yakavenka.

On 9 June, a Kletsk democratic activist, Siarhei Panamarou, was questioned at the Kletsk District Procuracy as a suspect in a criminal

case under Article 369, ‘insult of state official’. It wasn’t the first attempt to bring a criminal case against the activist. This time, the investigation conducted expertise of the publications of his newspaper, *Boiki Kletsk*, for 2006-2007 and found traits of insult of state officials in more than 20 articles. The fact of insult was certain in seven cases, which served as the basis for the criminal case. Belarusian human rights defenders emphasize their critical attitude to the very existence of such articles in the criminal legislation of Belarus.

On 10 June the Assembly of Belarusian NGOs and the Human Rights House in Vilnius held a joint briefing *Article 193.1: Criminal Punishment for Activity of NGOs in Belarus*. The event was connected to the 4th Regional Congress of NGOs that gathered representatives of Central and East-European, Caucasian and Baltic NGOs. The briefing organizers called on the present people to join the campaign *Stop 193.1*, launched by the Assembly.

The Belarusian trade union of radio-electronic industry launched the campaign *For Belarus Without Contracts*. Henadz Fiadynich, Chairperson of the trade union, alleges that according to the international norms labor contracts can be concluded only with special categories of employees, whereas almost all people work on contracts in Belarus. The trade union leader is convinced that this problem needs to be solved before the beginning of the process of full-scale privatization, as otherwise the new owners can use the contracts to get rid of superfluous workers. The campaign includes informational and explanatory work among workers, organization of pickets, rallies and meetings. The trade union also intended to get some feedback by means of a questionnaire poll in order to know the public moods and opinions concerning the problem of mass contractization.

4. Prison conditions

Vaukavysk entrepreneur Mikalai Autukhovich had to keep a hunger-strike in pre-trial prison #1 in Minsk for a week in order to be provided

with the necessary medical aid. The matter is that he lost almost all teeth as a result of his former and present conviction and therefore is unable to consume food in a normal way. He spent much a long time demanding to be provided with prosthodontic treatment. In particular, he addressed the MIA Department of Penalty Execution with a written application. However, his request was ignored and, according to the convict's information, the paper didn't even reach this agency. That's why Autukhovich had to resort to hunger-strike. He stopped hungering on 23 June, after a meeting with the chief medic of the pre-trial prison and the promise that his demand will be executed. The Committee to Protect Repressed Persons *Solidarity* and the Human Rights Center *Viasna* addressed the UN Special Rapporteur on Torture with an urgent joint statement concerning the treatment of Mikalai Autukhovich in jail. Copies of the official answers to his demands to be provided with urgent medical treatment were attached to this document.

5. Freedom of speech and the right to impart information

On 2 June the editorial board of a private socio-political newspaper *Narodnaya Volia* received the third warning from the Ministry of Information within a year. The warning concerns a series of publications by I.Kopyl, *Niabyshchyna, War* in March 2010. The Ministry of Information alleges (with reference to an appropriate conclusion of the Institute of History of the National Academy of Science) that some of the data presented in the publications don't correspond to the historical reality. The warning was signed on 31 May by the Information Minister Aleh Praliaskouski, and concerned violation of Article 4 of the Law *On mass media* that obliges media to present trustworthy information.

Following the warning to *Narodnaya Volia*, warnings were also issued to private socio-political editions *Novy Chas* and *Tovarishch* (newspaper of the Belarusian Leftist Party *Fair World*).

The warning to *Tovarishch* concerns the periodicity of its issue. According to the Information Ministry, the third edition of the newspaper for 2010 was issued as late as 7 May, while the newspaper had been registered as a monthly one. ‘At the moment we are able to issue the newspaper only one time a year or once every two months’, explained its editor, Siarhei Vazniak. ‘But I think that Information Minister Aleh Praliaskouski understands perfectly well in which situation the newspaper exists, as we have been simply deprived of a possibility to earn money’, the editor added. ‘We have been thrown out of the system of *Belposhta*, which holds a monopoly in the distribution of newspaper, and have been eliminated from the system of subscription. All attempts of the newspaper to be printed in Belarus failed: printing firms simply refused to cooperate with us. We cannot even print advertising materials, as advertisers don’t want to deal with our newspaper’.

Novy Chas received two warnings at once in June. One was issued by the Ministry of Information for omitting the patronymic of the chief editor, the bar code and the name of the organ of the state government in the sphere of the mass media in its imprint. The other warning was issued by the Ministry of Trade, which considered publication of information about the Polish TV channel *BelSat* as illegal advertisement, though the chief editor, Aliaksei Karol, alleged that the information was published free of charge. Meanwhile, the Ministry of Trade also composed a report on this fact and passed it to court.

On 7 June the editor of *Vitebskiy Kurier*, Aleh Barshcheuski, was tried in absentia by the Pershamaiski District Court of Vitsebsk for alleged unlawful distribution of printed media. The court sentenced the defendant to pay a fine of 700,000 rubles (about $232). In fact, the editor’s car had been detained by the police and copies of the newspaper were found there. Strangely enough, transportation of the newspapers was qualified as ‘distribution’. Meanwhile, the appropriate article envisages punishment only for distribution of printed production in the aggregate with its production, that’s why the verdict contradicts to the existing legislation.

A member of the Belarusian Popular Front and the *For Freedom* movement Aliaksandr Ramanovich and civil activist Krystsina Shatsikava were punished with fines on similar charges. On 16 June, the Pinsk Town Court found A.Ramanovich guilty of distributing the printed production without imprint which had been confiscated from his apartment during a search on 1 April, and fined him 1,050,000 rubles (about $348). On 28 June, the Kastrychnitski District Court of Mahiliou fined Krystsina Shatsikava 700,000 rules (on 4 May she had been detained near hear house with 12,000 copies of the *Nash Dom* newspaper, edition of the civil initiative *Nash Dom*.

On 15 June activists of the civil campaign *Speak Truth!* handed out leaflets with an address of the campaign leader, Uladzimir Niakliayeu, near the building of Belarusian State University in Minsk. Police detained journalists Nasta Krauchuk and Volha Zharnasek and guarded them to the Maskouski District Police Department. The journalists were let go without receiving any charges after the police had searched their belonging and established their identities. According to Nasta Krauchuk, a fight started during their argument with the university guards prior to the detention, as a result of which their video camera was damaged.

On 23 June riot police dispersed a picket on Svabody Square against presidential decree #60 *About measures to improve the use of the national segment of the internet*. The decree came into force on 1 July and was set to strengthen the control of the Belarusian authorities over the Belarusian internet space. Activists of the national-Bolshevik movement applied for an official permission, but the Minsk City Executive Committee dismissed their application. As a result, several participants of the action were detained and kept in the delinquents' isolation center in Akrestsin Street till trial. Five activists were fined by the Tsentralny District Court of Minsk the day after the action. The leader of the Belarusian national-Bolsheviks, Yauhen Kontush, was fined 875,000 rubles, and the others – 175,000 rubles (about $58) each.

6. Torture and other kinds of cruel and inhuman treatment

On 2 June Zmitser Parmon, the activist of the *BPF Youth* who had been diagnosed with fracture of a clavicle after being beaten by the police on 27 May, lodged a complaint with the Tsentralny District Procuracy of Minsk demanding to hold a prosecutorial check-up and bring the perpetrators to legal account.

7. Freedom of association

The main justice department of the Brest Region Executive Committee suspended the registration of the human rights organization *Brest Spring*. A month before, the appropriate documents had been filed for registering the association with the state. The founders are convinced that the reasons for the suspension were wire-drawn. *Brest Spring* has been trying to acquire a legal status since 2006.

Review-Chronicle of Human Rights Violations in Belarus in July-August 2010

Socio-political life during these months was accompanied with escalation of the relations between Belarus and Russia including oil and informational war. The general situation of human rights in Belarus remained the same: restriction of freedom of word, administrative and criminal persecution of the opposition and forced dispersals of peaceful street actions.

On 29 July the Minsk City Economic Court found the agreement between *Tina Vlati* Ltd. and the research and educational institution *Movement Forward* legally void, which gave juridical grounds to dissolve the *Movement Forward*. On 25 August the cassation instance left the verdict standing. 'We have always understood that the authorities will take all possible measures to delegitimize us, make us act on behalf of an 'unregistered organization' and increase the pressure on us. However, we will make everything possible to ensure that not a single activist of *Speak Truth!* is in illegal conditions even for a day,' stated Uladzimir Niakliayeu, the head of the *Movement Forward*, within the limits of which the civil campaign *Speak Truth!* existed. Meanwhile, activists of this civil initiative were still vigilantly watched by the law machinery and their detentions for transportation and distribution of informational production were a usual practice.

1. Persecution of civil and political activists

On 16 July the Pershamaiski District Court of Minsk found youth activist Andrei Kim guilty of organizing an unauthorized action dated to the 600th anniversary of the Battle of Grunwald and sentenced him to pay a minimal fine (17,500 rubles or about $6), taking into account paragraph 6 of Article 6.5 of the Code of Administrative Offences (CAO).

On 5 August the Savetski District Court of Minsk punished participants of an action dated to the 20th anniversary of the Declaration of Sovereignty of Belarus with administrative fines under Article 17.1 of the CAO, 'disorderly conduct': Mikola Dzemidzenka and Katsiaryna Davydzik were fined 105,000 rubles (about $35), Andrei Kim and Viachaslau Siwchyk – 350,000 rubles (about $117).

On 24 August the Salihorsk District Court fined *Young Front* members Ryhor Astapenia and Andrei Tychyna 700,000 rubles (about $232) for alleged resistance to the police. The reason was that they intended to hold a contest of chalk drawings on the asphalt on 27 July to mark the anniversary of the state sovereignty declaration. Illia and Ivan Shylas were also detained at the action, but their trial was postponed.

On 25 August the Astravets District Court fined 1,225,000 rubles an activist of the United Civil Party Mikalai Ulasevich. He was found guilty of insubordination to fire inspectors. The activist disagrees with the verdict. He considers it to be a revenge of the authorities for his accusing them in rigging the local election. In particular, he addressed the appropriate state agencies with the demand to punish the members of the election commissions who were responsible for manipulations with the election results.

The previous year Ulasevich also asked the local authorities to register the district structure of the United Civil Party at his home address. Following the request, his house was examined by a fire inspector who said that the organization couldn't be registered there as about 10 norms were violated. According to Mikalai Ulasevich, fire inspectors kept putting new demands during the following visits, as a result of which he started writing complaints to their regional administration and even to the Emergency Minister.

2. Freedom of word and the right to impart information

In the beginning of July, a criminal case was instigated in Vileika concerning alleged libel in comments at an independent website vialeika.org. One of the users of the website, Mikola Susla, was summonsed for interrogation. His computer was seized and directed to expertise. Bear in mind that earlier there had been instigated another criminal case, concerning libel in comments at the website charter97.org.

On 9 July a courier carrying 297 copies of an independent Krychau newspaper *Volny Horad* that was detained by the police at the Krychau bus station. The main article of the arrested edition was *NTV Ruined President Lukashenka's Reputation*, with a commentary by Pavel Sharamet. The courier was soon released, but the newspapers were seized. The editors of *Volny Horad* submitted a written address to the prosecutor and the head of the district police demanding to return the unlawfully confiscated circulation and draw the guilty policemen to criminal responsibility. On 27 July the district procuracy informed the editor of the newspaper Siarhei Niarouny that the newspapers were directed to linguistic expertise that could last for up to six months.

In July, socio-political private edition *Nasha Niva* received two warnings from the Ministry of Information within a week in connection with articles about *Godfather* – the documentary about Aliaksandr Lukashenka that was broadcast on the Russian TV.

In the 22 July warning the ministry accused the newspaper of disseminating untrue information in the article *Godfather Confiscated*. 'According to Article 244 of the Civil Code of the Republic of Belarus, confiscation is a non-paid seizure of property from an owner as a sanction for a committed crime or other violation, whereas according to information of the republican Unitarian enterprise *Belsayuzdruk* the newspapers were directed for retail,' emphasized the ministry.

The other warning, dated 26 July, concerns the article *BRSM Advertises Godfather Movie*. 'According to information of the Belarusian Republican Youth Union (BRSM), activists of this association held an action on 6 July that wasn't aimed at advertisement of the mentioned movie,' reads the warning. 'Correspondingly, the published information doesn't meet the reality and denigrates the reputation of this legal entity.'

In July the Leninski District Administrative Commission of Hrodna fined Ales Kirkevich, Deputy Chairperson of the *Young Front*, 875,000 rubles (about $292) for distributing printed production within the guidelines of the *YF* campaign *City Is Ours!*. The fine was issued in the absence of the defendant. Kirkevich was detained on 3 July. Police charged him under Article 21.14, part 2 of the CAV (violation of the urban maintenance rules) and searched his apartment.

3. Freedom of peaceful assemblies

In July the Minsk City Executive Committee banned the pillow fight dated to the 600th anniversary of the Battle of Grunwald without offering any explanations. The event was initiated by the *Historyka* association. Despite the ban, the peaceful action took place near the National Library in Minsk. Many participants were detained. On 26 July in Homel the police detained about ten participants of an action dated to the 20th anniversary of the Declaration of Independence of Belarus, including a representative of the Human Rights Center *Viasna* Anatol Paplauny. Detainees were guarded to the police station where the police discovered 'anti-state information' in the postcards they carried with them. According to the human rights defender, the confiscation of the postcards was conducted with many violations. Two hours before that, civil activist Uladzimir Niapomniashchykh was detained in Homel for wearing a T-shirt with inscription *For Belarus without Lukashenka*. Democratic activists Yury Hlushakou, Vasil Paliakou and Larysa Shchyrakova were detained in the city at about the same time. The Minsk City Executive Committee also banned the leaders of political parties and movements to

hold the *Chain of Concerned People* on 16 August. The aim of the action was to demand an international investigation into the disappearances of oppositional politicians Viktar Hanchar and Yury Zakharanka, businessman Anatol Krasouski and journalist Dzmitry Zavadski. The official reason for the ban was that there were some defects in the application. However, the authorities said nothing concrete about these 'defects'.

4. Politically motivated criminal persecution

On 15 July democratic activist and editor of the *Boiki Kletsk* bulletin, Siarhei Panamarou, found at the Minsk Region Procuracy that the investigation of his criminal case had been completed and the case had been passed to court. The was instigated under Article 369, 'insult of a state official' for a heavy critique of the authorities in the pages of *Boiki Kletsk*. The trial of the criminal case was to have started on 23 August, but Panamarou moved for Poland and asked for political asylum there. He intends to return to Belarus only after the change of the political regime.

On 6 August an activist of the *Speak Truth!* campaign, member of the Belarusian Union of Writers Mikhail Bashura was detained by the police and put him in a pre-trial prison in Minsk. On 16 August he was charged under Article 380, part 1 and 2 of the Criminal Code, 'production and use of forged documents'. Two years ago he was his wife's guarantor when she took a bank loan, and allegedly provided the bank with a note about his wage where his income was overestimated. According to the activist, he isn't an accountant and simply made a mistake in the calculations. The case was investigated by the Savetski District Police Department of Minsk. On 18 August Bashura was transferred to the Zhodzina pre-trial prison.

Speak Truth! activists believe that Bashura's arrest is connected with his civil activism. In particular, he ran for a deputy seat as a representative of the entrepreneur coalition at the latest local election. Human rights

defenders also see a clear political motivation behind this arrest. The motions of the detainee for changing the restraint to undertaking not to leave gave no result.

On 31 August the Minsk City Court turned down the cassation complaint against the verdict of the Savetski District Court according to which M. Bashura was left in custody. According to his counsel Tamara Sidarenka, one could hardly find another person kept in a Belarusian jail on suspicion in violating this article of the Criminal Code.

5. Freedom of association

On 20 August the Brest Region Justice Department for the tenth time refused to register the regional civil association *Brest Spring*. The reason for the refusal was that the home address of a founder of the association was allegedly incorrect (the number of the house was wrong). However, according to the Chairperson of the association, Uladzimir Vialichkin, the information that was presented by the police department of the Brest City Executive Committee was wrong and the founder really lived on the specified address. That's why on 25 August human rights defenders addressed the Justice Department of the Brest Region Executive Committee asking to reverse the aforementioned decision, register the *Brest Spring* and oblige the police department of the Brest Region Executive Committee to correct the mistake in the information about the address of the founder.

According to a verdict of the Mahiliou Region Economical Court, the Mahiliou Human Rights Center was obliged to pay 13,658,000 rubles (about $4,550) to the Leninski district municipal engineering of Mahiliou as debt for office rent. According to a member of the Mahiliou Human Rights Center Barys Bukhel, the municipal engineering started counting the debt on 24 April 2008 when the NGO was deprived of facilities without being informed about it. The organization continued regularly paying according to the old tariffs for two years. The municipal engineering applied to court on the initiative of the estate

department of the Mahiliou City Executive Committee. The Mahiliou Human Rights Center was established in 1998. The organization has been a member of the commission of the justice department of the Mahiliou Region Executive Committee on supervision of the region's penitentiary institutions since 2006. The commission is headed by a member of the human rights center. The organization actively participates in election campaigns.

6. Freedom of consciousness

On 18 August a mass campaign to protect St.Joseph Church was launched at a sitting of a civil group created by an unregistered party *Belarusian Christian Democracy*. BCD activists intended to collect several thousand signatures under the demand to return the church to believers in 14 cities of Belarus. Bear in mind that according to plans of the Minsk City Executive Committee the church was to be converted into a hotel complex, shops and leisure entertainment objects. In 2007, the head of the state was passed the request to return the church to believers, signed by about 30,000 people. Nevertheless, the repair and conversion works were started in the beginning of 2010.

On 14 August the verdict of the Minsk City Economical Court about the exaction of 249 million rubles (about $83,000) from the Protestant Church *New Life* came into effect. On 29 July the court found the church guilty of polluting its own territory with oil products. The church also was obliged to pay 8 million rubles (about $2,667) as a state fee. Church lawyer Siarhei Lukanin stated that representatives of *New Life* pleaded innocent and intended to appeal against the verdict. However, on 8 August the congregation of the believers voted against it, as it would be necessary to pay a large state fee because of the enormous sum of the lawsuit.

7. Deportation

In July the Human Rights Center *Viasna* followed the request of a Spanish citizen Inmaculada Gonzales and found a 28-year citizen of Cameroon Guy François Toukam who had been detained in the Minsk airport on 1 July on suspicion in forgery of the passport. Toukam had come to Belarus to play for the Norwegian club *IOF* at a match of the Cup of European Champions on Futsal in Minsk. We found that the detainee was kept in the delinquents' isolation center in Akrestsin Street. The Belarusian services made sure that the Cameroonian passport and the Spanish residence permit of Toukam weren't forged only in 44 days. The Cameroonian spent all this time behind bars without legal assistance. On his return home Toukam spoke about the prison conditions, battery, malnutrition, racist jokes of cellmates and having to pay $250 for 1.5-month rest in prison where he lost about 20 kilos. 'There's absolutely no respect for people. Foreigners have no rights. One can take a shower only once a week, and only in the case one demands it. I spent 44 days without walks. All my personal belongings were taken away. There are no beds and everybody sleeps on a wooden berth. Foreigners aren't kept separately, but have to share cells with tramps and insane people. There are visibly ill people among prisoners. Some of them spend 7-8 months in custody and cannot even walk when they are eventually released!'

8. Death penalty

The cassation complaints of death convicts Andrei Burdyka and Aleh Hryshkautsou were to have been considered by the Supreme Court on 30 July. On 14 May the both of them had been sentenced to death by the Hrodna Region Court. However, the consideration of the complaints was postponed to 17 September for unknown reasons.

Review-Chronicle of Human Rights Violations in Belarus in September 2010

The beginning of autumn was rich in socio-political events, which was partially connected with the approach of the presidential electoral campaign. September was marked with forced dispersals of peaceful street actions, mass detentions, an ongoing crackdown on freedom of expression, judicial persecution of social and political activists, and linguistic discrimination. The untimely death of the journalist of the web-site *charter97.org* Aleh Biabenin, throwing of Molotov cocktails at the Russian Embassy and the delinquents' isolation center in Minsk and the repeating arrests of a number of youth activists contributed to creation of a tense atmosphere. The month ended with a human rights week in Vilnius that included three important events – an annual meeting of the network of Human Rights Houses, the international conference on human rights in Belarus and the Baltic countries and the Belarusian Human Rights Forum II.

A new curriculum year started on 1 September and thousands of Belarusian children went to school, but very few of them have the possibility to learn in the Belarusian language. According to statistics, there are 1,900 secondary schools with the Belarusian language of instruction in Belarus. However, these are predominantly small rural schools, and just 18,6% school-children received education in Belarusian last year. Only Mikola Pushkin, son of a well-known artist Ales Pushkin, started learning in Belarusian in the town of Bobr in the Krupki district. Yalinka Salauyova became the only pupil of the Belarusian-language form in Mahiliou. A pupil of the fifth form Alesia Buka had to refuse from learning in a prestigious gymnasium in Hlybokaye and learn in the secondary school where there was a form with the Belarusian language of instruction.

On 10 September in Minsk representatives of the Belarusian civil society presented a monitoring of the situation in Belarus in November

2008 – September 2010. The document was worked out by experts of the Belarusian Helsinki Committee (BHC), the Human Rights Center *Viasna*, the Belarusian Association of Journalists, the Assembly of NGOs, the Committee to Protect the Repressed *Solidarity*, etc. Two days before it, on 8 September, the monitoring was presented to EU officials in Brussels. A peculiarity of this document is that its authors evaluated the progress according to a number of criteria: the situation of independent media, freedom of peaceful assemblies, freedom of association and the situation of the civil society in general. The main criterion was the consecutiveness of the changes that were introduced by the legislation. The authors of the monitoring expressed the opinion that the policy of the European Union towards Belarus needed to be effective and urged the European Union not to abolish the visa sanctions towards high-rank Belarusian officials, but just suspend them. They also recommended the European officials not provide financial support to such repressive institutions as the Belarusian KGB and the Ministry of Internal Affairs.

In September, the traditional Solidarity Day which is held on the 16th day of each month ended not only with detentions, but also with a real fight near the police station. This action is usually held in Kastrychnitskaya Square in Minsk. However, this September it was transferred to the ground near St. Joseph's Church in Svabody Square in connection with a campaign that was launched by the Belarusian Christian Democracy for returning the church to believers. 19 people were detained before the action. They were guarded to the Tsentralny District Police Department of Minsk and released in three hours without receiving any charges. The continuation of the action on 20 September was even more brutal. Police didn't let the defenders of the church come to the building. 12 people were detained preventively. Some of them were severely beaten on the way to the Tsentralny DPD. In particular, policemen smashed the face of the leader of the Belarusian Christian Democracy Pavel Seviarynets and kicked the leader of the *Young Front* Dzmitry Dashkevich in the chest. The detainees weren't presented any official charges again and were soon released.

On 14 September a special session of the Chamber of Representatives adopted a ruling about the appointment of the presidential election. As far as presidential elections are an important event in the political life of the country and the background situation was quite complicated, on 16 September representatives of the Human Rights Center *Viasna* and the Belarusian Helsinki Committee declared the beginning of the election observation campaign *Human Rights Defenders for Free Elections*. Long-term observation was conducted by 80 long-term observers, and the voting was observed by 600 short-term observers at 300 precincts in different regions, which let the human rights defenders make a conclusion about the scope of transparency and democracy of the election.

Participants of the annual meeting of the Human Rights House Network that took place on 22-23 September in Vilnius urged President Belarus Aliaksandr Lukashenka to take urgent measures to implement international standards in the sphere of human rights in Belarus. As it is stated in their address, Belarus didn't implement the EU conditions for acceding to the support program *Eastern Partnership* despite the ongoing dialogue between the Belarusian government and the European Union. In particular, Belarus ignored the demands to release political prisoners, ensure freedom of the media, continue the cooperation with the OSCE for reforming the electoral legislation, to improve the conditions for the activity of NGOs and guarantee the right to peaceful assemblies and political associations.

The 15th session of the UN Human Rights Council took place in Geneva at this very time. On 23 September its participants considered and adopted the concluding report of the Universal Periodical Review on human rights in Belarus. The Belarusian government ignored the recommendations to abolish Article 193.1 (which penalizes activities on behalf of unregistered public and political groups), the recommendations concerning the respect of freedom of peaceful assemblies, the electoral legislation and freedom of expression.

1. Persecution of public and political activists

On 2 September Professor Aliaksandr Astrouski, his wife Aksana, their children and human rights defender Uladzimir Khilmanovich came to Lenin Square in Hrodna and unfurled banners with slogans in front of the windows of the city executive committee to protest against violation of the right of Belarusian pupils to learn in the Belarusian language. A week later the police charged them with holding an unauthorized action. The trial was scheduled for 23 September, but wasn't conducted. Judge Natallia Kozel informed the activists that the trial wouldn't take place because of additional study of the case materials by the police.

In the beginning of September the police detained activists of the civil campaign *Speak Truth!* for coming to football and hockey matches in T-shirts with the inscription *Truth will Win!* The first incident happened on 7 September in the *Dynama* stadium, right before the football match Belarus-Romania. Police asked the people to unbutton their coats at the entrance of the stadium. About 50 people who were dressed in T-shirts of the *Speak Truth!* campaign were guarded to the police station.

On 9 September 12 activists of *Speak Truth!* were detained at the sportive complex *Minsk-Arena* before a hockey play between the Minsk *Dynama* and the Russian *Torpedo* (Nizhniy Novgorod). They were taken to the Tsentralny District Police Department of Minsk. Police not only videoed and fingerprinted the detainees, but also mocked at them – they tore away or cut T-shirts with the campaign logos and ordered the people to stand facing the wall and spread their legs far apart. The detained activists filed complaints with FIFA, UEFA and CHL against violation of their rights as fans by police. 7 persons applied to the Leninski Disrict Procuracy of Minsk and some more – to the Tsentralny District Procuracy.

About 50 people were detained in Minsk on 8 September for an attempt to hold a pillow fight that hadn't been permitted by the Minsk

authorities. The action was dated to the 496th anniversary of the Battle of Orsha, which is celebrated as the Belarusian Military Glory Day by the opposition. Police started detaining potential participants of the action before its beginning. Nevertheless, youth activists managed to hold pillow fights in two places. Those who were detained were fingerprinted, mugged and videoed. Their passport data were put down as well. In some time all of them were released without getting any charges. Some minors were passed to their parents and some were released without this procedure, which is a formal law violation. Moreover, police had no right to take fingerprints and make photos and videos of under-age persons without permission of their parents. In addition, the actual time of detention was more than 3 hours as police counted it not from the moment of the detention, but from the moment when the detainees were taken to the DPD.

The attempt to mark the Day of Military Glory at the Krapiuna field (where the battle of Orsha had taken place) was accompanied with arrests as well. Concerts of folk singers have been conducted there since 1992. In 2010 festivities were to have taken place on Saturday, 11 September. However, on the eve of the action its organizer Yury Koptsik was taken to the Orsha District Police Department where he was informed that the festival was banned and was warned that he would be punished if he decided to conduct the event anyway. On Saturday morning the police blocked the roads to the Krapiuna field. Then they started detaining those who walked to an alternative place that was proposed for the action. Some people were detained even at railway stations. A total of 15 people were taken to the local police station where they were kept for four hours and released without receiving any charges.

On 3 September the police detained seven anarchists on suspicion in the arson of the Embassy of the Russian Federation in Minsk. All detainees were put in the delinquents' isolation center in Akrestsin Street. On 8 September a member of the unregistered Belarusian Freedom Party Siarhei Papou, a member of the *Right Alliance* Ihar Chapiha and ecologist Uladzimir Valodzin were detained on suspicion in throwing Molotov cocktails at the delinquents' isolation center.

According to the law, they could be detained without any charges for three days only. However, instead of being released they were detained again several times, allegedly on suspicion in relation to some other criminal cases, which contradicts to the criminal process legislation. As a result the activists spent several three-day detention terms behind bars, though almost no investigative measures were conducted.

On 13 September the ecological organizations of Belarus, Lithuania and Russia adopted a joint address to the Belarusian authorities demanding to immediately release U.Valodzin. However, Chapiha and Valodzin were released only on 17 September, and Papou was set free even later.

On 15 September the Vaukavysk District Court tried civil activist Mikalai Kavalchuk for unauthorized installation of a memorial board in honor of the 100th anniversary of poetess Larysa Heniyush on the wall of the house where she had been born. The court ruled that the activist should be fined 70,000 rubles (about $23), but the board should be returned to him.

On 20 September, Judge of the Tsentralny District Court of Homel Maryia Damnenka found an activist of the *Young Belarus* Ivan Zaitsau guilty of using obscene language and insubordination to the police and fined him 1,750,000 rubles (about $583). Zaitsau was seized by three people in mufti on 11 September for raising a white-red-white flag at the concert on the Day of Minsk. At the trial he explained that he had really resisted to these people as he hadn't known that they were police officers. Bear in mind that the activist was kept in custody till 13 September, when the first court sitting took place.

On 24 September, Judge of the Petrykau District Court Siarhei Brahinski found a Homel activist of the Belarusian Christian Democracy Kanstantsin Zhukouski guilty of using obscene language and insubordination to the police and sentenced him to 10 days of arrest. Testimonies against the defendant were given by policemen Auchynnikau and Hramkou who had beaten him at the festival *Call of Palesse* in the village of Liaskavichy in the Petrykau district on 17 September. As a result of the beating Zhukouski got to the district

hospital, but was signed out in 2.5 days and continued receiving medical treatment in Homel. The judge ignored the medical diagnosis, but 'trusted' the testimonies of the policemen. The defendant declared a hunger-strike of protest in jail.

2. Politically motivated criminal cases

On 7 September the secretariat of the Union of Belarusian Writers adopted a statement concerning the imprisonment of Mikhail Bashura.

According to the statement, Bashura was forcedly detained more than a month ago, on 6 August 2010. The investigation charged him with an 'economical crime' – forgery of financial documents with the aim to facilitate the receipt of a bank loan by his wife. Ignoring the presumption of innocence and the possibility of a mistake, they charged Mikhail Bashura with forgery of a certificate from the place of his work.

Prior to his arrest, Mikhail Bashura took an active part in the civil campaign *Speak Truth!* and was repeatedly detained for it. During the last detention and search the police confiscated from him thousands of signatures for naming a Minsk street in honor of the Belarusian writer Vasil Bykau.

The secretariat of the Union of Belarusian Writers stated that the restraint chosen for Mikhail Bashura was extremely inadequate to the crime he was charged with, and demanded his immediate release from custody in conformity with the Belarusian legislation.

However, Bashura was still kept in the Zhodzina pre-trial prison and the petition of his lawyer for changing the restraint to his client was dismissed.

3. Freedom of speech and the right to impart information

On 14 September a democratic activist from Salihorsk Andrei Tychyna was fined 1,225,000 rubles for distribution of the independent press. He and a local entrepreneur Tatsiana Kuchynskaya were arrested by the police at the city market on 31 August for handing out the private socio-political newspaper *My i Rynak* and the unregistered *Hazeta Niakliayeva*. Kuchynskaya was tried on 23 September and fined 1,4 million rubles (about $467).

On 13 September the private newspaper *Narodnaya Volia* received the fourth warning, this time for an alleged violation of Article 4 of the Law *On Mass Media* that obliges newspapers to impart only information that corresponds to reality. Bear in mind that if a newspaper or its founder receive two warnings within a year, the issue of the newspaper can be suspended by court.

On 14 September the ministry also issued a warning to *Brestskaya Gazeta*, for publishing information that could also be found in *Zarya* (the printed organ of the Brest Region Executive Committee and the Brest Region Council). According to the Deputy Chairperson of the Belarusian Association of Journalists Andrei Bastunets, the Ministry of Information issued the warnings to *Narodnaya Volia* and *Brestskaya Gazeta* without trying to discriminate in the situation, although Articles 42-44 of the law *On Mass Media* present a detailed description of the order of correction of inaccurate information.

On 15 September, Judge of the Navahradak District Court Vasil Aliakhnovich fined activists of the *Speak Truth!* campaign Ivan Dziashuk and Natallia Katsmayer 700,000 rubles (about $233) for handing out the unregistered printed edition *Prauda Niakliayeva*.

On 15 September the Supreme Economic Court turned down an appeal of the private socio-political weekly *Nasha Niva* against the warnings that had been issued to it by the Information Ministry for

articles concerning the Russian documentary *Godfather* that contains ‘undesirable’ information about the life and activities of Aliaksandr Lukashenka and other high rank state officials.

On 16 September one of the oldest Belarusian NGOs, the Belarusian Association of Journalists, celebrated its 15th anniversary. In 1995 the organization was co-founded by 38 people, whereas nowadays it has more than a thousand members and five regional branches. In 1997 the Belarusian Association of Journalists became an associate member of the International Federation of Journalists (IFJ). On the day of the anniversary the Belarusian Association of Journalists stated that it will continue to defend the interests and rights of its members and other Belarusian citizens including the right to receive and impart information, and will try to protect freedom of expression as a fundamental democratic value.

4. Freedom of association

The third constituent assembly the Belarusian Christian Democracy took place on 12 September. On 17 September the package of the documents that are required for registration of the party was passed to the Ministry of Justice. According to co-Chairperson Pavel Seviarynets, the documents were filed at this very time on purpose, because in a month the EU would decide the question of extending the visa sanctions towards high-rank Belarusian authorities.

On 15 September the Assembly of NGOs adopted a statement to express its concern with the increased pressurization of NGOs with the approach of the presidential election. The statement stresses that the dissolution of the existing NGOs by court and the refusals of the Ministry of Justice to register the NGOs that still had no state registration let the authorities make use of unconstitutional Article 193.1 of the Criminal Code, which penalizes activities on behalf of unregistered organizations.

On 22 September, on the eve of the 15th session of the UN Human Rights Council, representatives of the Assembly of NGOs, the Human Rights Centre *Viasna*, the BPF Youth and other democratic NGOs held a performance in costumes of the popular cartoon characters *Shrek* near the Ministry of Foreign Affairs of Belarus. This satirical action was a response to the hypocritical stance of the authorities who kept promising to abolish criminal punishment for activities on behalf of unregistered organizations. However, on 15 September the Belarusian Foreign Ministry sent UN a document titled *The opinions and responses of the Republic of Belarus on the conclusions and/or recommendations made for further consideration by the competent authorities within the Universal Periodic Review on 14 May 2010*. As it follows from the text of the document, the authorities evaded from solving fundamental issues and continued claiming there were no serious human rights problems in Belarus. For example, the opinion states that 'Belarus does not accept the recommendation for the repeal of Article 193.1 of the Criminal Code. This article is aimed at cessation of activities of extremist groups and organizations in Belarus…'.

On 29 September the Brest Region Court held a preliminary hearing on the lawsuit of public human rights association *Brest Spring* concerning the refusal of the main bureau of the Brest Region Executive Committee to register the organization. The official reason for the registration denial was allegedly inaccurate information in the documents submitted for registration, namely – the number of the house of one of the founders. In fact, the address was correct and the mistake was made by the regional department of internal affairs, which provided incorrect information about the place of residence of one of the founders: house 13 instead of 12. As the attempts to resolve the dispute over the registration gave no result, human rights defenders had to go to the law. The trial was scheduled for 12 October.

5. Death penalty

In early September, representatives of the international human rights organization *Amnesty International* Heather McGill and Aisha Jung

visited Belarus within the guidelines of the campaign against the punishment of criminals with death. They met with parents of the death convicts, representatives of various NGOs, the Orthodox Church, Chairperson of the Working Group of the National Assembly on Death Penalty Mikalai Samaseika and representatives of various NGOs.

On 14 September the Mahiliou Region Court issued another death verdict. Aliaksandr Sychou and Ihar Mialik were convicted of a series of violent crimes committed by their gang in the Mahiliou region. The former was sentenced to life imprisonment and the latter – to death.

On 17 September the Supreme Court of the Republic of Belarus dismissed the appeals of Hrodna residents Andrei Burdyka and Aleh Hryshkautsou against the death verdicts that had been issued to them for a triple murder.

On 18 September the world-famous singer Sting supported the struggle of the Belarusian human rights defenders for the abolishment of the death penalty. He met with them before his concert in Minsk in order to sign the petition against the capital punishment within the guidelines of an appropriate campaign of the Human Rights Center *Viasna*, the Belarusian Helsinki Committee and *Amnesty International*. 'It's time to change this,' said Sting in his video address.

On 23 September, the working group of the National Assembly of the Republic of Belarus on the death penalty took part in a round table held by the Council of Europe. 'The abolition of the death penalty must be accompanied by introduction of an adequate prison system and acceptable alternative punishments,' stated representatives of the Council of Europe. 'The abolition of the death penalty will bring Belarus closer to the European human rights standards'.

6. Freedom of conscience

On 16 September the Belarusian Christian Democracy launched an indefinite campaign to protect the Bernardine Monastery and the

Church of St. Joseph in Minsk. Civil activists and believers gathered near the cult buildings at 7 p.m. every day. They have been trying to make the authorities return the building for five years already. A Catholic parish was registered at St. Joseph's Church on 7 August 2001. In early 2007 the military commandant's office vacated the monastery, but the funds of two state archives were still kept in the church. In 2007, Christian activists collected more than 30,000 signatures under an appeal to return the monastery, but the situation remained the same. In spring the authorities started the reconstruction of the monastery into a hotel complex.

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In October participants of the campaign *Human Rights Defenders for Free Elections* observed the following stages of the electoral campaign – the collection of signatures in support of the potential candidates for President (ended on 29 October) and the nomination of candidates to precinct election commissions, one of the key mechanisms of the electoral process that directly organizes the voting and the counting of votes. 11 pretenders for presidency passed more than 100,000 signatures to territorial election commissions. 10 of them were registered as candidates and continued taking part in the electoral race. Observers of the campaign continued registering cases of violation of the electoral legislation by administrations of state enterprises and organs which manifested in collection of signatures during working hours and forcing in the process of collection of signatures. The nomination of candidates for precinct election commissions ended on 31 October. An insignificant number of representatives of oppositional parties were included in them (about 0.25% of the total number). Territorial election commissions denied observers in observing the verification of signatures for the nomination of candidates.

The European Parliament once again called on Belarus to introduce a moratorium on the death penalty. This is stated in the Resolution that was adopted on 7 October and dated to the World Day against the Death Penalty, 10 October. Peaceful street actions against the death penalty were held not only in Belarus, but also in some foreign countries that day. Representatives of the civil campaign Human Rights Defenders Against Death Penalty handed out booklets, stickers and leaflets. An informational chain was held by human rights defenders wearing T-shirts with the inscription ‘Say No to Death Penalty’ in the center of Minsk, near the metro station *Kastrychnitskaya*. A concert against the death penalty was held in Vilnius. Such NGOs as *Belarus*

Watch and the Belarusian Human Rights House joined the campaign. In October the petition against the death penalty was also signed by the Minister of State at the Foreign Office of Great Britain Jeremy Browne and the Apostolic Visitor for Belarusian Greek-Catholic faithful abroad, reverend Aliaksandr Nadsan. About 50 documents in Russian, English and German (books, brochures and periodicals) were presented at the topical book exhibition *Death Penalty: Cost of Life and Limits of Law* at the National Library of Belarus on 8 October. The exhibition *Death Is Not Justice* was held at the Museum of History of World War II the same day. Exhibited were 100 posters chosen within the guidelines of the contest under the patronage of Secretary General of the Council of Europe, Thorbjørn Jagland.

On 26 October the International Federation for Human Rights (FIDH) and its member organization in Belarus, the Human Rights Center *Viasna*, adopted a joint statement to express their concern with the aggravation of repressions towards activists of the anarchist and antifascist youth movement. The statement emphasizes that the investigative organs grossly violated the rights of detainees. In particular, in some cases their right to defense was violated – the lawyer of Aliaksandr Frantskevich couldn't find about the whereabouts of his client for three days. Cases of psychological pressurization were registered as well. As a result, Tatsiana Semianishchava tried to cut her veins with a stationery knife during an interrogation in custody after a repeated detention. Pavel Charnyshenka and Siarhei Sliusar had been detained in September on suspicion in an assault on the Embassy of the Russian Federation, and in the night of 16-17 October they were detained on suspicion in relation to an attempt to set on fire the KGB building in Babruisk. The International Federation for Human Rights and the Human Rights Center *Viasna* demanded that the authorities stopped the unlawful actions and immediately released the detainees.

On 25 October the Council of Europe extended sanctions against 41 high-rank Belarusian officials including Aliaksandr Lukashenka till 31 October 2011. The moratorium on sanctions towards 36 officials was extended as well. Thus, the sanctions concern Chairperson of the Central Election Commission Lidziya Yarmoshyna, a former Prosecutor

General Viktar Sheiman, former internal ministers Uladzimir Navumau and Yury Sivakou and a former commandant of the Minsk riot police Yury Padabed. These five persons aren't covered by the moratorium and cannot be admitted to the territory of the European Union. The document of the Council of Europe calls on the Belarusian authorities to hold the presidential election in line with norms and standards of the international legislation.

Belarus occupies the 154th out of the 178 places in the yearly rating of the international organization *Reporters without Borders*.

1. Freedom of association

On 15 October the Minsk City Economic Court suspended the registration of the informational-consulting institution *Right Alliance*. The lawsuit for the dissolution of this institution was filed by the Minsk City Executive Committee which accused the *Right Alliance* of holding actions that weren't set forth in its charter. The officials also presented to the court print-outs from websites in which it was stated that the organization pursued political objectives. Meanwhile, the *Right Alliance* is known by its social activities including pickets against alcohol and drug abuse.

On 12 October the Brest Region Court left standing the ruling of the main justice department of the Breast Region Executive Committee by which the regional human rights organization *Brest Spring* (*Berastseiskaya Viasna*) was denied registration because of a technical mistake made by the local internal affairs department. The founders of the organization consider it as an evident violation of their right to association.

On 12 October the Minsk City Economic Court granted the lawsuit of the Minsk City Executive Committee for the dissolution of the research and educational institution *Movement Forward* which carried out the civil campaign *Speak Truth!* The head of the institution and the pretender for

President Uladzimir Niakliayeu stated that *Speak Truth!* would continue its activities anyway.

On 21 October the Salihorsk District Executive committee refused to register the primary organization of the Belarusian Independent Trade Union of the *Detla Styl* Ltd. for the third time. The official referred to discrepancies in the filed documents and violations of the law. Deputy Chairperson of the Belarusian Independent Trade Union considers these reasons as far-fetched. The administration of the BITU decided to appeal this violation of the right to association at court and hold a picket in Salihorsk. The Belarusian Congress of Democratic Trade Unions also informed the International Labor Organization about this fact.

On 25 October the Ministry of Justice of Belarus refused to register the Party of the Belarusian Christian Democracy referring to alleged inaccuracies in the filed documents and the results of the phone questioning of the founders during which some of them had allegedly refused from the participation in the BCD. It was the third registration denial to the party. Co-Chairperson of the BCD Pavel Seviarynets called it politically motivated and stated about the pressurization of the founders of the party by the authorities. Moreover, the Ministry of Justice failed to answer the application for registration in the legally required terms – the BCD had filed the registration documents on 19 September and was to have received an answer by 19 October.

2. Politically motivated criminal cases

On 19 October the Savetski District Court of Minsk finished judging Mikhail Bashura for the alleged repeated forgery of the income certificate. Prosecutor Halina Korneva demanded to sentence Mr.Bashura to 6 months of arrests, while his counsel Tamara Sidarenka asked the court to justify him because of the absence of evidence of his guilt. However, the court found the defendant guilty under two parts of Article 380 of the Criminal Code and fined him 17,500,000 rubles

(about $5,833). Human rights defenders consider this case as politically motivated.

On 26 October the Minsk City Court considered the appeal against the verdict of the Tsentralny District Court of Minsk concerning a student of the European Humanities University Mikalai Dziadok. The appeal was turned down and Dziadok was left in custody. Moreover, the investigation extended the term of his detention till 24 December. Mikalai Dziadok had been detained in the beginning of September on suspicion in an assault on the Embassy of the Russian Federation in Minsk. However, on 1 October he was charged with participation in the rally near the Joint Staff of the Ministry of Defense which was held to protest against the joint military training of the Belarusian and the Russian military troops *West-2009*. On 24 September M.Dziadok was transferred from the detention center in Akrestsin Street to the pre-trial prison in Valadarski Street where he is awaiting trial. The Human Rights Center *Viasna* is convinced that though this rally was accompanied by an insignificant violation of the public order (throwing of a smoke pot to the territory of the Joint Staff), it was essentially peaceful. That's why human rights defenders disagree with the qualification of these actions as a violation of Article 339, part 2 of the Criminal Code, 'hooligan actions by a group of individuals', and consider the detention of M.Dziadok and other suspects on this incident as arbitrary. They especially emphasize the fact that Mikalai Dziadok was re-detained for 3 days (during which one can be kept in custody without getting any charges) 7 times! The Human Rights Center *Viasna* considers such indefinite detention as a gross violation of the process legislation and legal rights of the detainees.

A former Ambassador and Minister of Foreign Economic Relations Mikhail Marynich, participant of the presidential electoral campaign in 2001 and political prisoner, received an answer from the UN Human Rights Committee. According to this document, the trial of Marynich in 2004 for alleged theft of computer equipment that belonged to the Embassy of the United States in Minsk wasn't fair and independent. The committee believes that the court proceedings were vigilantly watched by security services, the judges gave a tendentious

assessment of evidence and testimonies, and the whole case was a political lynching. Moreover, the Committee states that M.Marynich was subject to torture, inhuman and degrading treatment and obliged the Belarusian State to provide Mikhail Marynich with the necessary medical treatment, including the payment of an appropriate compensation, and initiate criminal proceedings for bringing to legal account those who are guilty of the improper treatment.

3. Persecution of public and political activists

Yauhen Yakavenka, a member of the Belarusian Christian Democracy who had been sentenced to 1 year of personal restraint in June 2010 for refusing to serve in the army because of his pacifist views and then - granted parole in connection with the 65th anniversary of the victory over the Nazi troops, passed medical examination in October on demand of the military enlistment office. The authorities were again trying to draft him into the army. That's why Yakavenka lodged applications with the Ministry of Defense, the Chamber of Representatives and General Procuracy to turn their attention to the fact that the practice of criminal punishment of persons who would like to be assigned to alternative civilian service instead of military service continued in Belarus. Yauhen asked the officials to discriminate in the situation and take adequate measures, referring to an order of the Prime Minister about the preparation of the draft law *On alternative civilian service*. He was answered with usual runarounds. For instance, the military commissioner of the Homel District Executive Committee, colonel Yafimchyk, wrote that 'correspondence with you on the given matter is stopped' as an exhaustive answer had been given earlier.

Ya.Yakavenka also filed a complaint with the Savetski District Court of the Homel City Military Commissariat, asking to ensure his legal right to be assigned to alternative civilian service. However, on 21 October the court refused to bring civilian proceedings referring to Article 246, part 2 of the Civil Process Code as 'the order of the extrajudicial

resolution of the case hasn't been implemented'. In the letter from the Chairperson of the Commission on labor, social defense, affairs of veterans and a disabled Laurukevich it is stated that the Commission has no information about the placement of the draft law *On alternative civilian service* on the agenda of the Chamber of Representatives of the National Assembly.

On 2 October in Nezalezhnastsi Square near St. Symon and Alena Church the police detained four activists of an unregistered youth organization *Young Front* who were handing out invitations to the everyday actions in defense of St. Joseph Church. The detainees were guarded to the Maskouski District Police Department, allegedly for 'identification'. There they had to give explanations and were kept for more than 3 hours without being given any charges. Moreover, police summoned their parents and threatened them and their children with trouble at places of work and study. The detained activists lodged complaints at the unlawful actions of the police.

4. Freedom of word and the right to impart information

On 1 October Judge of the Leninski District Court of Mahiliou Stanislau Shandarovich found human rights defender and journalist Valery Shchukin guilty under Article 22.9, part 2 of the Code of Administrative Offenses, 'production, delivery and distribution of printed materials that were produced with violations of the Belarusian legislation' and fined him 1,050,000 rubles (about $350). Shchukin had been detained on 8 August. Police searched his car and confiscated 24,000 copies of the newspaper *Nash Dom* and 5,500 brochures dedicated to women's rights.

On 8 October the police detained the car of the chief editor of the *Vitebskiy Kuryer* Viktar Ramniou near the town of Liozna and confiscated from him 11,000 copies of the newspaper he transported to Vitsebsk from a printing house in the Russian town of Smolensk. *Vitebskiy Kuryer* is registered in the Russian Federation, but is

distributed in the Vitsebsk region. On 12 October Judge of the Liozna District Court Antanina Afanas'eva found Ramniou guilty of unlawful distribution of the newspaper (Article 22.9, part 2 of the Code of Administrative Offenses). During the trial she declined more than ten motions of the defendant and didn't let human rights defender Pavel Levinau represent his interests. V.Ramniou and his comrades left the court hall in protest, as a result of which the verdict was read in their absence. Ramniou was fined 1,225,000 rubles (about $408). Bear in mind that he had been fined large sums of money for the 'distribution' of private socio-political editions several times already, though he just transported them in his car.

On 27 October in Zhodzina the police came to the working place of civil activist Andrei Zubra and guarded him to the police station, and then – to court. A month ago Zubra had been detained with 216 copies of a private socio-political edition *Tut I Tsiaper* and received charges under Article 22.9 of the Code of Administrative Offenses as a result. Judge of the Zhodzina District Court Hrynkevich considered the case and ruled that the police report didn't correspond to the essence of the offense set forth in Article 22.9, part 2. As a result, the case was returned for revising by the Zhodzina Town Police Department.

5. Freedom of peaceful assemblies

The Belarusian authorities banned non-state trade unions to hold street actions dated to 7 October, the World Day for Decent Work. In particular, the Mahiliou City Executive Committee explained the ban by saying that the places that were chosen for the pickets didn't belong to the list of the places that had been determined for such actions by the Committee. Free Trade Union of Steelworkers intended to hold a street action in Vaneyeu Street, near the 50-hoddzia Kastrychnika Park in Minsk. However, the Minsk City Executive Committee prohibited the action alleging that the picket could hinder the movement of pedestrians. Polatsk became the only Belarusian town where trade union activists were allowed to hold a street action.

On 11 October gays and lesbians of the world mark the Coming Out Day – the day when representatives of sexual minorities voluntary reveal their sexual orientation. Belarusian gays and lesbians marked this day by holding a street action in Minsk. Though they had applied for an official permission on the eve of the action, the Minsk City Executive Committee didn't sanction the rally. Ten representatives of sexual minorities walked with a rainbow flag from the metro station *Kupalauskaya* to the metro station *Niamiha* and back. Siarhei Pradzed remained in Kastrychnitskaya Square. He told passers-by about the situation of human rights in Belarus. In about 30 minutes he was approached by riot policemen. The picketer was detained and guarded to the Tsentralny District Police Department of Minsk, where he faced charges under Article 23.34, part 3 of the Code of Administrative Violations, 'violation of the order of organizing and holding mass events'. After an interrogation he was taken to the delinquents' isolation center in Akrestsin Street, where he spent the night. In the morning he was tried by the Tsentralny District Court of Minsk and fined 700,000 rubles (about $233).

6. Freedom of conscience

On 14 October the Protestant Church *New Life* held a round table to protect freedom of conscience. The event was attended by the church administration, lawyers, human rights defenders, politicians and journalists. Participants of the round table adopted a resolution which urged the Belarusian authorities to stop persecution of Pastor Viachaslau Hancharenka and the church parishioners and ensure realization of the constitutional right to freedom of conscience. International community and human rights organizations, in their turn, were called to express solidarity with the believers and all Belarusian citizens who struggled for freedom of conscience. Participants of the round table decided to pass the resolution to the Presidential Administration, the Chamber of Representatives of the National Assemblies, the commissioner on religious and nationalities, the European Parliament, the Minsk OSCE office and international human rights structures.

7. Death Penalty

On 4 October Sviatlana Zhuk, the mother of an executed death convict Andrei Zhuk, appealed at the Leninski District Court the refusal of the Penal Department of the Ministry of Internal Affairs to inform her about the place of the burial of her son. The Department referred its refusal to Article 175 of the Criminal Code, according to which 'the body is not given out for burial and the place of the burial is not announced'.

On 5 October activists of the campaign *Human Rights Defenders Against Death Penalty* Palina Stsepanenka and Iryna Toustsik were detained at the frontier point *Kamenny Loh*. They were set out of a bus *Vilnius-Minsk*. Officers of the Ashmiany customs office seized from them informational booklets and stickers concerning the death penalty and said that these items would be directed for a check-up. However, nothing has been returned so far.

A resident of Brest Sniazhana Neudakh, mother of three children, submitted two written applications to President asking him to help Sviatlana Zhuk in receiving information about the place of burial of her son. She is convinced that it could be a demonstration of humanity from the side of the authorities.

A Brest human rights defender Raman Kisliak received a negative answer from the Ministry of Internal Affairs of Belarus to his request to abolish the law about the secrecy of the time of execution and the places of burial of death convicts.

8. Electoral rights

On 16 September the civil campaign *Human Rights Defenders Against Death Penalty* started an independent monitoring of the electoral process to find whether presidential election 2010 corresponded to the national legislation and international standards of free and democratic elections. The campaign imparted information about the registered

violations and its conclusions both in Belarus and abroad. The most important conclusions of the monitoring were presented in the weekly reviews and reports about each stage of the election which were placed to the websites of the Belarusian Helsinki Committee and the Human Rights Center *Viasna*.

Since the beginning of the electoral campaign, lawyers of *Human Rights Defenders for Free Elections* helped to file 238 complaints, just 9 (3.8%) of which were granted as of 31 October, including some complaints concerning the rulings of the local administrations to determine the places which were banned for picketing. Neither the Central Election Commission, nor any lower commissions granted any complaints concerning violations of the electoral legislation by members of the campaign team of Aliaksandr Lukashenka.

9. Prison conditions

Political prisoner Mikalai Autukhovich who is currently serving a five-year prison term still hasn't received prosthodontic treatment despite all his applications to the administration of the penal colony. Human rights defenders learned it after his meeting with wife: she even passed him a blender as he can't chew food on his own.

10. Labor rights

On 20 October the administration of a private newspaper Vecherniy Bobruysk offered a member of the Belarusian Association of Journalists Dzmitry Rastayeu to write an application for going on vacation.
The reason was an 'insistent wish' of the Babruisk Town Executive Committee. The Deputy Chairperson of the Babruisk TEC on ideology showed to the founder of the newspaper a selection of printouts from Rastayeu's account in the social net LiveJournal and the private newspaper Belhazeta where Rastayeu's articles were published as well. 'You should understand: either Rastayeu will stop publishing anything

anywhere except your newspaper, or... Think about the newspaper', said the official.

On 25 October an accident happened at a woodworking plant of the Holding Company Pinskdreu. According to the press-service of the Ministry of Emergency Situations, an explosion of the mixture of dust and air at the workshop of fire-wood granules occurred as a result of violations of the regime of equipment operation. The Brest Region Procuracy brought a case under Article 302, part 2 of the Criminal Code, 'violation of the rules of industrial and technical discipline and safety regulations at enterprises with a high risk of explosion'. According to workers of the enterprise, they repeatedly applied to the administration with questions about the safety of their work, pointing at a high concentration of wooden dust in the air. However, workers of the laboratory insisted that the norms weren't exceeded and the indicators corresponded to them. As of 1 November, 14 people died and 6 continued getting medical treatment in hospitals.

On 1 November the Council of the Belarusian Congress of Democratic Trade Unions issued an official statement titled National Tragedy Against Background of Silence of Authorities. 'We don't consider this tragedy as a mere coincidence. We conduct a continuous monitoring of the safety conditions at various enterprises and have all reasons to state that Belarus is on the brink of a man-caused disaster,' reads the statement. The BCDTU also paid respects to families of the dead.

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The stage of collecting signatures in support of the nomination of candidates for President of the Republic of Belarus ended in November. On 18 November the Central Election Commission held a sitting to register candidates. The electoral teams of 11 out of 17 pretenders for candidate stated they had passed to election commissions more than 100,000 signatures in their support. 6 pretenders decided to withdraw from the election. Uladzimir Pravalski wasn't registered as a candidate for President because, according to the CEC, he had passed only 118 valid signatures in support of his candidacy.

The Central Election Commission made remarks to nine of the registered candidates (Ryhor Kastusiou, Aliaksei Mikhalevich, Uladzimir Niakliayeu, Yaraslau Ramanchuk, Vital Rymasheuski, Andrei Sannikau, Mikalai Statkevich, Dzmitry Uss and Viktar Tsiareshchanka) concerning violations during the collection of signatures and incorrect information about their income and assets. Only the incumbent President, Aliaksandr Lukashenka, was registered as a candidate without getting any remarks. According to the official information, his electoral team had passed to election commissions 1,100,000 signatures.

On 19 November organizers of the civil campaign *Human Rights Defenders for Free Elections* held a press-conference to sum up the results of this stage of the election. Though the general conditions for campaigning were more favorable, observers still registered many violations of the electoral legislation. In particular, the teams of alternative candidates didn't have such privileges as that of A.Lukashenka. Administrative resources were widely used for collecting signatures in his support. At the same time, activists of the electoral teams of all other candidates weren't allowed to collect signatures in

student dormitories, state enterprises and institutions. The Central Election Commission also ignored the fact that in a number of cases signatures in support of Lukashenka were collected by people who weren't members of his electoral team.

What concerns the registration of candidates – it took place without considerable restrictions of the right to be elected. At the same time, the closeness of the procedure of verification of signatures gives grounds to suspect the election commissions in manipulations and consider its results as determined by political reasons rather than by norms of the electoral legislation. According to information of observers, some of the electoral teams might not have collected the necessary number of signatures (100,000), but their candidates were registered by the Central Election Commission.

Vice President of the International Federation for Human Rights (FIDH) Ales Bialiatski submitted an official address to Prosecutor General of Belarus, Ryhor Vasilevich, and the Presidential Administration concerning the pressurization of citizens who represent the anarchist and anti-fascist movement in the country. He attached to his address an official FIDH statement concerning these facts and called on the Belarusian authorities to stop the unlawful actions and abstain from violating human rights during the investigation of the criminal cases brought against the aforementioned activists.

On 30 November the US Ministry of Finances again extended the term of easing the sanctions against two Belarusian enterprises belonging to the *Belnaftakhim* concern – *Lakafarba* and *Polatsk-Shklovalakno*. According to this ruling, the sanctions that were introduced in November 2007 because of violations of human rights in Belarus were suspended till 31 May 2011. On 5 September the Ministry of Finances eased the sanctions on 5 September 2008 and has extended its decision since then.

1. Freedom of associations

On 10 November the verdict of the Minsk City Economic Court concerning the dissolution of the educational institution *Movement Forward* (the organizer of the *Speak Truth!* civil campaign, headed by presidential candidate Uladzimir Niakliayeu) came into force. The cassation instance of the court turned down the appeal of representatives of *Speak Truth!* against the verdict concerning its dissolution. The official reason for the dissolution of *Movement Forward* was invalidity of the rent agreement and, consequently, the absence of a legal address (which is a necessary attribute of an officially registered organization).

On 16 November the Supreme Court of the Republic of Belarus dismissed an appeal of the human rights organization *Brest Spring* against the registration denial. The official reason for the denial was that 'at the time when the decision was taking the factual address of one of the founders differed from the address that was standing in the database of the Ministry of Internal Affairs'.

2. Politically motivated criminal cases

On 4 November a Minsk resident Maksim Vetkin was detained and put in a pre-trial prison. Later he was charged with the assault on the Embassy of the Russian Federation on 30 August and the assault on the building of *Belarusbank* in the night of 30 April-1 May. M.Vetkin confessed his involvement in the both attacks. However, his friends believe that he was pressured into doing it. M.Vetkin became the third accused in the case of hooligan assaults that had been committed throughout the year in different places of Minsk, Babruisk and Salihorsk. All such episodes were united in one case, brought under Article 339, part 2 of the Criminal Code (hooliganism). Other figurants of this case are Mikalai Dziadok and Aliaksandr Frantskevich who have been kept in custody since September. On 10 November it became known that the term of investigation was extended to six months and the term of their detention was prolonged as well.

On 16 November the Students' Self-government of the European Humanities University (EHU) declared the beginning of an indefinite action in support of Mikalai Dziadok due to regular violations of the criminal-process norms during the investigation into his case. At first, the self-government intended to collect several hundred letters of solidarity and send them to the prisoner. In its address to the Belarusian law-enforcement agencies the EHU Students' Self-government demanded to either release Dziadok because of the absence of corpus delicti in his actions or to hold an open and fair trial. The students also called all people who are concerned with this case to join the solidarity campaign and write letters to Mikalai Dziadok.

On 5 November, 3 months and 4 days before the end of his prison term, political prisoner Uladzimir Asipenka (one of the three figurants of the 'case of entrepreneurs') was granted parole.

The criminal case against independent journalists Sviatlana Kalinkina, Iryna Khalip, Maryna Koktysh and Natallia Radzina was passed to the procuracy. According to Aliaksandr Puseu, a senior investigator of the Homel City Police Department, the case against them had been suspended according to Article 246, part 1, point 1 of the Criminal-Process Code and put in the archive. However, about a month ago it was reclaimed by the Minsk City Procuracy. The computer equipment that has been confiscated from the journalists is still kept in the special repository of material evidence and no decision about its return has been taken so far. 'I should remind that the Minsk City Procuracy has also brought another criminal case because of the commentaries given by its readers. This situation clearly demonstrates the nature of the present electoral campaign – it can be called non-free and non-democratic already,' commented a coordinator of *Charter'97* Natallia Radzina.

On 18 November the Hrodna City Procuracy issued an official warning to a Deputy Chairperson of the *Young Front* Ales Kirkevich for violation of Article 193.1 of the Criminal Code (actions on behalf of an unregistered organization). The formal reason for the warning was an application written by mother of an activist of the Hrodna *Young Front* branch under pressure of secret services.

On 30 November the Minsk City Court turned down the appeal of M.Bashura, an activist of the civil initiative *Speak Truth!*, against a verdict of the Minsk City Court of 19 October, as well as the protest of the procuracy against this verdict. According to M.Bashura, the trial was held rather quickly and was accompanied with violations of the legal procedure.

3. Persecution of civil and political activists

Belarusian guards started paying a special attention to representatives of the opposition who crossed the border.

For instance, On 2 November customs officers conducted a repeated examination of four Mahiliou activists of *Speak Truth!* who were returning home by train *Kyiv-St.Peterburg*. The repeated examination was held in the train when it arrived to Homel. Before this, the activists passed through the customs control at the frontier point *Tsiarukha*.

On 4 November human rights defenders Uladzimir Khilmanovich and Uladzimir Sazonau were detained for two hours at the railway station of Hrodna on arrival from Poland.

On 6 November a *Young Front* activist Valiantsin Labachou was kept at the police station for more than 4 hours. He was detained by people in mufti near a gym that was opened by A.Lukashenka. Police examined his belongings and found air balloons and white-red-white flags.

On 7 November in Salihorsk the police detained the *Young Front* activists Andrei Tychyna and Ivan Shyla for unrolling a poster ‘7 November is the day of commemoration of victims of political repressions’ near the monument to Lenin, where the authorities intended to lay down flowers to mark the anniversary of the October revolution. Police drew on reports for violation of Article 23.34 of the Code of Administrative Offences (organization of unauthorized picketing) by the detainees. According to A.Tychyna, the *Young Front*

activists took part in the official action, not in an unauthorized picket, though their views differed from convictions of other participants.

On 11 November the Salihorsk activist of the *Young Front* and *Speak Truth!* Andrei Tychyna was directed for examination at the psychiatric hospital *Navinki* in Minsk. Tychyna had been detained at a street action on 7 November and guarded to the local military enlistment office. The activist denied evading from the army draft and stated that these actions of the authorities and the military enlistment office were connected to his participation in the electoral campaign of Niakliayeu.

A 24-year-old activist of the Belarusian Christian Democracy Andrei Kotau was detained in the Pershamaiski district of Minsk in the night of 12 November for posting stickers with the slogan ‘Retire!’ Police drew up a violation report under Article 21.14 of the Code of Administrative Violations (violation of the rules of urban maintenance), after which the activist was released. The action *Retire!*, announced by the Belarusian Christian Democracy and the *Young Front*, was held on 24 November on the Kastrychnitskaya Square in Minsk.

On 16 November a *Young Front* activist Eduard Lobau was detained in Minsk for handing out informational materials of the civil campaign *Retire!* and leaflets with calls to come to the Kastrychnitskaya Square on 24 November. A report under Article 23.34 (violation of the rules of holding mass events) was drawn up on him.

On 22 November members of the Conservative-Christian Party Yan Dziarzhautsau and Barys Khamaida were detained in Vitsebsk for holding an unauthorized picket with calls to boycott the presidential election. They came to the center of the city with posters ‘Only Boycott’ and ‘Participation in the electoral farce is treason’. Alena Tsyhankova, Judge of the Chyhunachny District Court of Vitsebsk, punished Yan Dziarzhautsau with a fine of 350,000 rubles (about $117) and Barys Khamaida – with 5 days of arrest (as he had been repeatedly detained for violating Article 23.34 of the Code of Administrative Offences). However, Khamaida spent just one day in jail, as the regional procuracy appealed the court verdict. The Vitsebsk Region Court, in its turn, found the punishment to Khamaida

inappropriate. As it is stated in the court verdict, the court was 'guided by the principles of humanism and justice', that's why five days of arrest were replaced with one day, taking into account that Khamaida was a pensioner.

On 24 November the Maskouski District Administrative Commission of Minsk fined Eduard Lobau 105,000 rubles ($35) for posting stickers at notice boards near multi-stored houses on 9 October in Babruisk. According to the ruling of the commission, this is a violation of Article 21.14, part 2 of the Code of Administrative Offences. The activist considers the fine completely groundless, as notice boards are put for posting ads on them.

Yauhen Shapchyts (the author of the video clip calling Belarusians to hide the passports of their grandparents on the Election Day so that they wouldn't vote for Lukashenka) and one of the main characters, Pavel Bandzich, were dismissed from work. Their bosses told the guys to write applications for breaking the labor contracts on mutual agreement of the sides. The correspondent student of the Academy of Art Shapchyts worked as a video editor at the Belarusian TV and Radio Company, and P.Bandzich headed the theatric studio of the International Ecological University named after Andrey Sakharov.

The video was uploaded to YouTube (http://www.youtube.com/watch?v=36jGq6EeYkk) on 8 November. It became inaccessible after almost 30,000 people watched it. The YouTube administration removed it for a short time because of 'unacceptable content'. Later the clip was put on again and is still accessible on YouTube. The pressurization of its producers served as an additional promotion, which lead to a considerable growth of the number of spectators.

The administration of the private enterprise where a Maladechna human rights defender Ales Kaputski, a long-term observer of the civil campaign *Human Rights Defenders for Free Elections*, worked, refused to extend his labor contract without offering any explanations. The contract expired on 1 December, after which Kaputski became unemployed. A similar thing had happened to him in 2008, in the beginning of the parliamentary electoral campaign, during which he coordinated long-term election observation in his region.

4. Freedom of word and the right to impart information

On 12 November a minibus that transported the circulation of a fresh issue of a socio-political private newspaper *Novy Chas* was blocked by a car of road police and two ordinary cars at the Minsk bus terminal *Uskhodni*. The road police took the documents away and ordered the driver to drive to the Leninski District Police Department of Minsk. However, when they got there, a man in plain clothes came up to the policemen and told them to release the distributors of the newspaper.

On 30 November the Kastrychnitski Distict Court of Vitsebsk sentenced Siarhei Kandakou to pay a fine of 700,000 rubles (about $233) for distributing a private newspaper *Vitebskiy Kuryer* which obtained an official registration in the Russian Federation after the deprival of registration in Belarus and is printed in the Russian town of Smolensk. Moreover, the newspaper doesn't have a license for sale on the territory of Belarus and is not included in the subscription catalog.

On 24 November the Krychau District Court turned down the lawsuit of the editor of the private newspaper *Volny Horad* Uladzimir Kudrautsau claiming 5 million rubles (about $1,666) in moral damages from the district police. The reason for the lawsuit was the confiscation of the circulation of three issues of the newspaper which contained the article *NTV Destroyed President's reputation*, where Pavel Sharamet commented on *Godfather* – a scandalous documentary about A.Lukashenka. Judge Antanina Kachanava considered that the pretensions of the journalists to the police were groundless. The court verdict was appealed at higher court instances.

The Ministry of Trade issued a warning to a private socio-political newspaper *Inform-progulka* (issued in the town of Luninets) for publishing several ads of the independent TV channel *BelSat* without 'specifying the name and the reference number of the foreign advertiser', which was considered as a violation of Article 10, point 4 of the Law *On Advertisement*. A representative of the editorial board was

also summonsed to the ministry for being brought to the administrative responsibility for violation of this article.

5. Freedom to peaceful assemblies

The Minsk City Executive Committee prohibited a youth coalition *New Generation* to hold a picket in Nezalezhnastsi Square on 7 November, during which the organizers intended to collect signatures for renaming the metro station *Lenin Square* into *Nezalezhnastsi Square*. The official reason for the denial was the legal prohibition to hold pickets less than 200 meters away from tube stations. As a result, the activists decided not to hold a picket. Instead, they dispersed on the territory from St. Symon and Alena Church to the building of the railway station and collected signatures individually. The action ended without any detentions, but officers of the Maskouski District Police Department of Minsk put down the passport data of some of its participants.

At the end of November the Homel human rights defenders Anatol Paplauny and Leanid Sudalenka applied to the city authorities to get permission for holding a picket on 10 December, the Human Rights Day in order to inform the population about the right not to vote early. The Homel City Executive Committee didn’t authorize the action, allegedly because the organizers hadn’t paid for services of the police, the medics and the public utilities and had determined the Paustannia Square as the action site. Bear in mind that the Homel authorities had determined just one place for opposition’s actions in Homel – the ground near the Culture House of the Belarusian Society of the Deaf.

6. Death Penalty

The Brest resident Sniazhana Neudakh received answers from the Presidential Administration and the National Center of Legislation and Legal Research of the Republic of Belarus to her address of 28 November in which she asked them to inform the mother of the

executed death convict Andrei Zhuk about the place of his burial. The letter from the Presidential Administration tells that her proposal about introducing amendments to the Criminal-Executive Code is considered by the National Center of Legislation and Legal Research. The other answer informs Sniazhana that the proposal will be considered by the working group of the center within the guidelines of preparation of the draft law of the Republic of Belarus *On introducing changes and amendments to the Criminal-Executive Code of Belarus*, the elaboration of which is provided by the plan of preparation of draft laws for 2011.

On 30 Novembers activists of the campaign *Human Rights Defenders Against The Death Penalty* held a symbolic action *Cities For Life – Cities Against The Death Penalty* in Minsk. In the evening they lit tens of candles near the St. Symon and Alena Church opposite the House of the Government.

7. Electoral rights

The Belarusian courts didn't grant any out of 85 complaints concerning the non-inclusion of 413 people in precinct election commissions. The courts turned the complaints down ignoring all arguments about a discriminative approach of executive committees to candidacies of representatives of opposition political parties. The courts explained their rulings by stating that the formal procedures of the establishment of PECs were implemented.

A Mazyr human rights defender Uladzimir Tseliapun received an answer from the Central Election Commission to an application in which he questioned the legality of the ruling of the Mazyr District Executive Committee concerning the establishment of a 'working group' that had actually formed the PECs of the Mazyr district. The CEC Chairperson Lidziya Yarmoshyna confessed that not all provisions of the document corresponded to the electoral legislation, but pointed that the observer had no legal powers to observe actions of the 'working group'.

On 26 November 13 Mahiliou democratic activists including electioneering agents of presidential candidates Ryhor Kastusiou, Aliaksei Mikhalevich, Uladzimir Niakliayeu, Yaraslau Ramanchuk, Vital Rymasheuski, Andrei Sannikau and Dzmitry Uss and human rights defenders Barys Bukhel and Siarhei Famin applied to the Leninski District Court of Mahiliou with the demand to oblige the Leninski District Election Commission to increase the number of places for canvassing. The Chairperson of the court Halina Kuzhaleva refused to bring a civil case because the consideration of such appeals was allegedly beyond the powers of the court.

8. Prison conditions

On 24 November the Human Rights Center *Viasna* issued a public statement to express its concern with the situation of a member of the United Civil Party, entrepreneur Andrei Bandarenka who is serving a prison term in Babruisk. As it is said in the statement, the administration of the Babruisk penal colony repeatedly pressurized Bandarenka and even threatened him with an ‘occasional death’. It means that cruel, inhuman and degrading kinds of treatment equaled to torture were used towards him. Human rights defenders don’t rule out the political implication of his persecution and demand that he should be provided with the proper conditions.

Review-Chronicle of Human Rights Violations in Belarus in December 2010

December was an important month for summing up the results of the presidential electoral campaign that lasted for three months and ended on 19 December.

Informational actions were held all over Belarus on 10 December, the Universal Day of Human Rights. There were no incidents. About 15 out of 40 participants of a procession held by the civil initiative *Citizen* were detained but soon released without getting any charges.

The Belarusian Helsinki Committee and the Human Rights Center *Viasna* held a joint action, handing out the Universal Declaration of Human Rights and leaflets against the death penalty in the center of Minsk.

9 out of 10 presidential candidates (knowing the position of the incumbent, Lukashenka, human rights defenders considered it as senseless to apply to him) were questioned what they would do as the first step on improving the situation of human rights in the country if they were elected president. The answers were published at the website, spring96.org. The presidential candidates were ready to hold reforms in this direction and abolish the death penalty.

On 10 December the Belarusian Human Rights House in exile in Vilnius, together with 11 European human rights and civil organizations, started collecting signatures under a petition calling Belarus to respect the fundamental human rights, through a special website, belarus-petition.org. In particular, the petition calls on the Belarusian authorities to introduce a moratorium on the death penalty or abolish it; to respect freedom of word, assembly and associations, mass media and conscience; to abolish Article 193.1 of the Criminal

Code which envisages criminal punishment for activities on behalf of unregistered organizations. Belarusian human rights defenders, on their part, called people to support and impart the petition.

On 18 December representatives of seven human rights organizations of Belarus filed a special address with the Presidential Administration, the Ministry of Internal Affairs and the State Security Committee (KGB), calling not to create a fearful atmosphere in the society during the electoral campaign and abstain from using violence towards participants of peaceful street actions. Human rights defenders also pointed that the authorities should urgently introduce democratic amendments to the electoral legislation which would make the electoral process more fair and transparent.

Human rights defenders also confirmed the legitimacy of the call of the alternative presidential candidates to gather on Kastrychnitskaya Square in Minsk at 8 p.m. on 19 December to protest against unequal conditions of campaigning and non-democratic nature of the electoral process. They reminded that the right to express one's opinion by means of assemblies, rallies and demonstrations is guaranteed to citizens of Belarus by the Constitution as well as by international agreements that were ratified by Belarus.

However, the week before the protest rally the state media and the heads of the Ministry of Internal Affairs and KGB warned about provocations, armed actions and terrorist acts that were allegedly prepared by the opposition and could be held during the 19 December action. On 15 December, speaking at a council on issues of the electoral campaign and securing the public order during this period, A.Lukashenka stated that 'the presidential election mustn't be overshadowed with any clashes' and added: 'If, God forbid, somebody crosses the Rubicon they mustn't even come close to, the reaction of the law machinery and the army must be adequate and harsh'.

Two presidential candidates, Uladzimir Niakliayeu and Andrei Sannikau, held a joint press-conference short before 19 December, after armored cars had been brought to Minsk at night. Niakliayeu said that

alternative candidates would refuse from protesting if Kastrychnitskaya Square was occupied by armored cars. 'However, we will consider such actions as an armed military resistance to the will of the people. We will state about it and point at it,' he added.

On 19 December representatives of the civil campaign *Human Rights Defenders for Free Elections* held a press-conference to voice the preliminary conclusions of the monitoring of the early voting and tell about the incidents that had been registered at polling stations. The monitoring coordinators Aleh Hulak and Valiantsin Stefanovich stated that there was some progress towards democratization, but in general the electoral process wasn't trustworthy. One of the positive moments was the absence of mass preventive detentions and arrests of representatives of the opposition during the electoral campaign (almost 30 activists were detained before the evening of 19 December – most of them were soon released without getting any charges, but some were left in custody as suspects in a criminal case). At the same time, an unclear procedure of the storage of ballots during the days of the early voting allowed electoral commissions to explain the law and act in different ways. 'The law also doesn't explain where members of election commissions must stay during the breaks in the voting and after its end. Meanwhile, according to Article 13 of the Electoral Code, observers have the right to observe the electoral process only during the voting, that's why they don't see what takes place during the breaks and after the end of the voting,' pointed the human rights defenders. Moreover, the tendency for an increased forcing to early voting was observed at state enterprises, especially in small towns, which is an evident use of the administrative resources. In some cases observers were warned or removed from polling stations. A part of the observers also reported about obstacles to observing home voting.

Despite the fact that the electoral campaign was held in more liberal conditions than the previous one, the post-election events, namely the evening of the Election Day, during which a violent dispersal of the peaceful protest action near the House of the Parliament in Nezalezhnastsi Square took place, crossed any previous progress in the relations between Belarus and the West (the European Union).

The authorities returned to a violent persecution of opponents and trampling the sprouts of democracy in the Belarusian society. The repressive machine started working again after a two-year break. Hundreds of people got under its wheels. Detentions, searches, interrogations, beatings and administrative and criminal prosecution – all these things shocked the international community.

Short before the protest action, in the evening of 19 December, masked people assaulted a group of adherents of presidential candidate Uladzimir Niakliayeu. The offenders used noise grenades. They seized sound-amplifying equipment. Uladzimir Niakliayeu was severely beaten and taken to the ambulance hospital with a cranial trauma as a result.

At 8 p.m. at least 30,000 participants of the peaceful protest action proceeded from Kastrychnitskaya Square to Nezalezhnastsi Square. Presidential candidates took floor there. Unidentified persons, whose actions were condemned by the candidates, tried to break the entrance door of the House of the Parliament and smashed its windows. This let special task forces to use excessive force and violence during the dispersal of the peaceful rally. Demonstrators were hit in the head and in the face with truncheons and fists. Many of them were hospitalized. More than 600 people were detained and sentenced to arrest terms or fines under Article 23.34 of the Administrative Code – violation of the rules of organizing and holding mass events.

Among the detainees there were presidential candidates R.Kastusiou, V.Rymasheuski, A.Sannikau, A.Statkevich, their electioneering agents, politicians, journalists, well-known public activists and Aleh Hulak, Chairperson of the Belarusian Helsinki Committee and a coordinator of the *Human Rights Defenders for Free Elections*.

At 4 a.m. on 20 December the office of the Human Rights Center *Viasna* was raided by police who detained 10 human rights defenders and confiscated the system blocks of all computers, a video camera and a photo camera. In 3 hours all detainees were released. Another raid was held simultaneously at the office of the civil initiative *Charter'97*. The editor of charter97.org Natallia Radzina was detained. The detentions

of opposition politicians continued during the whole night. The Chairperson of the United Civil Party Anatol Liabedzka was detained at home. Uladzimir Niakliayeu was kidnapped from the resuscitation ward and his wife was closed in a nearby room. His fate was unclear till 27 December: it was said that he was kept at the investigative department of KGB, but lawyers were denied meetings with him, allegedly because of the absence of free meeting rooms.

Presidential candidate Yaraslau Ramanchuk spent several hours in the Presidential Administration on 20 December. After it he summonsed an urgent press-conference which was shot by the Belarusian TV and at which he read an address in which condemned the ‘mass riot’.

A press-conference on the results of the campaign *Human Rights Defenders for Free Elections* was held at 12 a.m. on 20 December. ‘The most suitable definition for this election would be ‘dirty election’’, said human rights defender Valiantsin Stefanovich.

The internal minister Anatol Kuliashou stated on air of the First National TV Channel that organizers of the protest action would be punished under Article 293 of the Criminal Code which envisages up to 15 years of imprisonment.

At that time the Belarusian public already knew about detention of hundreds of people, some of whom were kept in police cars without food and water for more than one day. It was also known that there were women and girls among the beaten people. Human rights defenders and volunteers collected information about the detainees and kept their duty in courts so that the collected information could reach their relatives. All trials were closed. They were held without lawyers, cases were considered within several minutes and defendants were sentenced to arrest. Fines were given only to mothers whose children were under age, and to disabled persons. Moreover, some of the detainees were just occasional passers-by who had been detained outdoors after the end of the protest action. However, the courts didn’t make any difference between them and demonstrators.

On 21 December the authorities called the official number of the detainees – 639, but it wasn't precise. If we take into account those who were released after the detention, those who were hospitalized or taken to the investigative isolator of KGB on criminal charges – it becomes over 700. The delinquents' isolation center couldn't house that many people, that's why a part of them were transferred to prison #8 in Zhodzina.

Tens of European organizations condemned the actions of the Belarusian authorities. On 20 December an open address to the President of Belarus calling to free hundreds of demonstrators, journalists and politicians who had been detained for a peaceful expression of their views, was signed by organizations of the Human Rights House Foundation. Similar addresses were entered by *Amnesty International*, the International Federation for Human Rights (FIDH), the International Federation of Journalists (IFJ), *Freedom House*, the President of the European Parliament Jerzy Buzek, the Governments of the US and the EU.

The Committee on International Control over the Situation with Human Rights in Belarus started working in Minsk. It was established by the coalition of NGOs of the OSCE countries on 27 December. The Committee consists of about 30 international organizations including:

International Youth Human Rights Movement (YHRM),

International Network of the Helsinki Citizens' Assembly,

International Civil Initiative for OSCE (ICI OSCE),

Moscow Helsinki Group - MHG (Russia),

International Youth Resource Centre - IYRC (Ukraine),

Center for Civil Liberties - CCL (Ukraine),

Freedom, Legality and Rights in Europe (FLARE),

International Helsinki Association,

Network for Civil Society Cooperation in Eurasia Region (Eurasia IDEA network),

Public Movement *Multinational Georgia* (Georgia),

Kharkiv Regional Foundation *Public Alternative* (Ukraine),

Interregional Human Rights Protection Group - Voronezh/ Chernozemie (Russia),

Komi Human Rights Commission *Memorial* (Russia),

All-Ukrainian youth NGO *Foundation of Regional Initiatives* (Ukraine)

Civil Defense Fund (Lithuania),

Project *No Borders* of the Social Action Center (Ukraine),

Human Rights Institute (Russia),

Center for Development of Democracy and Human Rights (Russia),

Citizens against Corruption (Kyrgyzstan),

Helsinki Foundation for Human Rights (Poland).

The Committee established a long-term International Observation Mission consisting of representatives of human rights organizations from different countries of the OSCE territory and international organizations, as well as of independent experts. Belarusian organizations weren't included in the Committee in order to secure its political neutrality.

1. Freedom of association

According to an appropriate statement by the Assembly of NGOs, the draft law *On Non-profitable Organizations* elaborated by the Ministry of Justice and the Center of Legislation and Legal Research didn't take into account the position of Belarusian NGOs. The civil sector was alerted by the fact that the text of the draft law, which was being finalized, wasn't presented for public discussion. 'The process of working out the Law *On Non-profitable Organizations* by the Ministry of Justice is similar to the organization of public hearings concerning the construction of the nuclear power plant in Astravets. The hearings were formal and the organizations which wanted to take part in them and had some important information on the matter, were pushed away,' commented Siarhei Matskevich, Head of the Working Group of the Assembly of NGOs. That's why the Assembly called on the responsible state organs to postpone the passing of the draft law to the Chamber of Representatives till holding a wide public discussion.

2. Politically motivated criminal cases

27-year-old engineer Ihar Alinevich was detained on 28 November in Moscow and put in the investigative isolator of KGB in Minsk the following day. The detention took place in unusual circumstances. According to his defense lawyer, Alinevich is charged with the involvement in the assault on the Embassy of the Russian Federation in Belarus on 30 August and an action near the General Staff which was held by anarchists a year ago. Earlier the detainee had refused his relation to these assaults. Bear in mind that a number of different episodes have been united in one case (the assaults on the Russian Embassy, the delinquents' isolation center in Akrestsin Street, the building of the *Shangri-La* casino, a branch of the *Belarusbank*, the House of Trade Unions, the General Staff and other incidents). Mikalai Dziadok, Aliaksandr Frantskevich and Maksim Vetkin are also kept in custody as suspects in this case.

On 18 December the *Young Front* activists Dzmitry Dashkevich, Dzianis Lazar and Eduard Lobau were detained preventively in Minsk. They were declared suspects in a criminal case under Article 339 of the Criminal Code, 'hooliganism'. On 28 December Dzianis Lazar was released and the suspicions against him were dropped. Dashkevich and Lobau, on the contrary, received official charges and were left in custody.

As of 31 December 2010, human rights defenders had the following information about the criminal case under Article 293, 'mass riot', instigated in connection with the protest action in Nezalezhnastsi Square: there were 29 figurants, 27 of whom were kept in the investigative isolator of KGB. Among them there were five presidential candidates: Aliaksei Mikhalevich, Uladzimir Niakliayeu, Vital Rymasheuski, Andrei Sannikau and Mikalai Statkevich. Two more presidential candidates, Ryhor Kastusiou and Dzmitry Uss, were suspects in the case and were released under written undertakings not to leave. Other detainees were electioneering agents and civil activists: Aliaksandr Arastovich, Aliaksandr Atroshchankau, Dzmitry Bandarenka, Andrei Dzmitryieu, Andrei Fedarkevich, Aliaksandr Fiaduta, Iryna Khalip, Aliaksandr Klaskouski, Uladzimir Kobets, Aleh Korban, Anatol Liabedzka, Mikita Likhavid, Uladzimir Loban, Siarhei Martsaleu, Dzmitry Novik, Nasta Palazhanka, Anatol Paulau, Natallia Radzina, Pavel Seviarynets, Siarhei Vazniak and two citizens of the Russian Federation – Artyom Breus and Ivan Gaponov.

Relatives of the arrested established the civil committee *Release*. Its main goal is the release of all people who are kept in the investigative department of KGB on suspicion in the involvement in the mass riot in Minsk. The committee includes wives, parents and children of the imprisoned candidates and their comrades. They addressed the authorities of the Russian Federation, the European Union and the United States with a call to do everything possible for the release of the new political prisoners.

According to information of human rights defenders, another criminal case has been instigated concerning the events of 19 December. It

concerns the ‘outrage of the state symbols’, which manifested in the replacement of the official flag at the entrance of the KGB building with a national white-red-white flag.

3. Freedom of speech and the right to impart information

Subscription to state-owned media started in December. The ideological departments of the district executive committees held forced subscription to state-owned press. The heads of state enterprises, organizations and institutions and mailmen were ordered to provide a certain number of subscribers.

According to information of the Belarusian Association of Journalists, a famous Swedish photo correspondent Dean Cox was denied accreditation. Cox intended to cover the presidential election. When he asked whether he could visit Belarus as a tourist, the Belarusian Embassy answered he wouldn’t be given a visa as they knew that he was a journalist. Dean Cox had come to Belarus during the presidential elections of 2006 and had no problems with receiving visa at that time.

The Belarusian Association of Journalists published the lists of journalists detained and/or injured during the protest action of 19 December. 15 journalists were arrested, five of them – within the framework of the criminal case (Aliaksandr Fiaduta, Iryna Khalip (a journalist with the Russian newspaper *Novaya Gazeta*), Natallia Radzina (the editor of charter97.org), Pavel Seviarynets (a member of the BAJ Council) and Siarhei Vazniak (the editor of the *Tovarishch* newspaper and a member of the BAJ Board)). 21 journalists were injured but not detained, including some foreign journalists: James Hill (the *New York Times*), Heinz Tesarek (a photo correspondent with the Austrian Internet edition news.at, Anton Kharchenko and Viktor Filyayev (TV channel *Russia Today*), Ilya Omelchenko and Dmitry Tarkhov (the shooting crew of the Russian TV channel *Ren-TV*), Olga Alenova (the Russian newspaper *Kommersant*).

4. Freedom of peaceful assemblies

The Minsk City Executive Committee banned a picket against violation of rights of Belarusain citizens by the Belarusian authorities. According to a picket organizer Tamara Siarhei, about 50 people from all parts of Belarus intended to take part in the action near the city hall on 6 December. The picket ban was signed by Deputy Chairperson of the Minsk City Executive Committee, Mikhail Tsitsiankou. The official explanation for the ban was that the picket would create obstacles to the movement of pedestrians, the traffic and the functioning of the economic subjects which were located nearby. T.Siarhei is of the opinion that the ban violates Article 35 of the Constitution and the Law *On Mass Events*. That's why the group of women addressed the General Procuracy in order to draw Tsitsiankou to legal account.

5. Persecution of political and civil activists

On 1 December a human rights defender from Maladechna Ales Kaputski, a long-term observer of the civil campaign *Human Rights Defenders for Free Elections*, became redundant. The administration of the private enterprise where he worked didn't extend his labor contract without offering any explanations. A similar thing happened to Kaputski in 2008, during the parliamentary electoral campaign, in which he also participated as an election observer.

Dzmitry Dashkevich, leader of the *Young Front*, was detained in the evening of 8 December while driving his car. Road police guarded him to the Pershamaiski District Police Department of Minsk. Deputy Chairperson of the *Young Front* Nasta Palazhanka received an SMS-message from him. According to it, he was told that his name was absent in the electronic database of drivers and he must have forged his driver's license. Dashkevich was released after arrival of OSCE observers. However, his car was seized, allegedly for checking whether it wasn't stolen from someone. The following day the police detained Dashkevich once again, while he was driving the car of Palazhanka's

father. There were some other members of the *Young Front* in the car. All of them were detained and guarded to the Kastrychnitski District Police Department, allegedly to check whether the car wasn't stolen. The activists were let go after giving explanations.

On 9 December Judge of the Krupti District Court Volha Foma found a well-known artist Ales Pushkin guilty of disorderly conduct and resistance to the police and sentenced him to 13 days of arrest. Pushkin had been detained on 8 December in his house in the town of Bobr (Krupki district) on false accusation in beating a man. Lawyer Pavel Sapelka and Pushkin's friends are convinced that the case against him was fabricated. His colleagues, members of the artistic association *Pahonia* at the Belarusian Union of Artists, adopted a statement saying that 'the actions of the law machinery concerning the arrest of the artist are aimed at clearing of the territory before the election. Being aware of the freedom-loving nature of the creator, who held artistic performances to protest against the false and pressurization of the authorities, their economic inaction, and first of all – turning a blind eye to the historical heritage, and hostility to the Belarusian language, they resorted to a provocation against him.'

On 17 December Kiryl Semianchuk, an activist of the electoral team of Uladzimir Niakliayeu, was detained at the railway station in Hrodna. The following day he was sentenced to six days of arrest. His wife wasn't provided with any information about his case. Niakliayeu's electioneering agent Aleh Kaliankou was detained in the morning of 19 December and sentenced to 3 days of arrest. As it was found later, the both of them were punished for holding a picket near Hrodna Agrarian University to protest against early voting.

On 18 December Yury Klimovich, head of the Homel regional headquarters of Vital Rymasheuski, was detained in Homel. Judge of the Tsentralny District Court of Homel Maryia Damnenka found him guilty of using obscene language on the basis of false testimonies and punished him with 15 days of imprisonment.

Dzmitry Rastayeu, a member of the Belarusian Association of Journalists, correspondent with a state-owned newspaper *Vecherniy*

Bobruysk, was proposed to retire on his own will (in connection with his journalist activities outside the newspaper). The journalist refused to do it and pointed that he retired 'in connection with the change of important conditions of work'. Rastayeu started facing trouble at work after the founder of the newspaper, Valiantsin Sysoi, had been summoned to Mikhail Kavalevich, Deputy Chairperson on ideology of the Babruisk Town Executive Committee.

The previous month the author of a satirical clip about the presidential election Yauhen Shapchyts was dismissed from the Belarusian television. In December Pavel Bandzich (who played a collector of signatures) followed his fate – he was dismissed from International Ecological University named after Sakharov, where he worked as the head of the theatrical studio. Bandzich agreed to 'retire on his own will' because of the good relations he had with the university administration.

Aleh A., who had played the grandson in the clip, was expelled from the 5th year of the faculty of journalism of Belarusian State University.

6. Death penalty

On 6 December the UN Human Rights Committee registered a individual communication of Aleh Hryshkautsou who had been sentenced to death on 14 May 2010. Hryshkautsou complains about violation of his rights that are guaranteed by the International Covenant on Civil and Political Rights, first of all the right to fair trial. The communication also contains a request for taking measures of temporary defense and suspending the implementation of his sentence till an all-sided consideration of the case by the Human Rights Committee.

On 13 December A.Hryshkautsou addressed A.Lukashenka with a request to suspend the implementation of his sentence till the consideration of his case by the Committee. He had to resort to this measure because two previous death convicts, Vasil Yuzepchuk and

Andrei Zhuk, had been executed though the competent state organs of Belarus had been informed that their cases had been pending at the UN Human Rights Committee.

7. Prison conditions

The issue of the prosthodontic treatment of political prisoner Mikalai Autukhovich remains unsolved. The prisoner continues losing weight. The administration of the prison where he is kept insists on the confession of guilt and taking part in amateur theatricals and considers his refusal as a violation of the prison rules. Autukhovich also said that various provocations were staged against him. Human rights defenders consider that the Department of Penalty Execution violates the rights of the unlawfully imprisoned person in this case.

Annexes:

1. Statements by HRC *Viasna*

Human Rights Center *Viasna* demands that criminal case against Ivan Mikhailau be dropped

The civil right to alternative service ensues from Article 57 of the Constitution of the Republic of Belarus. This article provides that the defense of the Republic of Belarus is a sacred duty of a Belarusian citizen. The order of the military service, the reasons and the conditions of its replacement with alternative service are determined by the law.

Thus, the Constitution does not consider military service as the only possible and unconditional variant, as the possibility of freeing from the military service or its replacement with alternative service are stated in it.

Correspondingly, the Constitution provides the right of citizens to execute their obligation and sacred duty to defend the Fatherland in the forms that are provided by the Constitution, i.e. also by means of alternative service.

According to Article 4 of the law of the Republic of Belarus of 15 March 1994 *On the order of entry into force of the Constitution of the Republic of Belarus,* the laws that are mentioned in the Constitution, were to have been adopted within two years after its coming into effect, i.e. by 30 March 1996.

However, neither the Supreme Soviet of the 12th Convocation, nor the Supreme Soviet of the 13th Convocation implemented this requirement and didn't solve the question of the grounds and conditions for replacement of military service with alternative service and the conditions of the latter, by adopting a special law.

Bear in mind that Article 57 was left in this edition even after the amendments of the Constitution after the referenda of 1996 and

2004. There are norms that allow the Parliament to postpone the implementation of Article 57 on the legislative level. Despite this, the National Assembly of the Republic of Belarus still hasn't adopted a law aimed at the implementation of this article of the Constitution.

Refusal from military service for moral reasons (including religious and other convictions) also concerns other personal rights enshrined in the Constitution and other international treaties in the sphere of human rights that were ratified by the country.

In particular, according to Article 31 of the Constitution, every person has the right to independently determine the attitude to religion, confess any religion individually or in association with others or not confess any religion, express or distribute the views concerning the attitude to religion, participate in the administration of the cults, rites and rituals that are not banned by the law.

These rights are also guaranteed by norms of the international legislation, the priority of which is officially acknowledged by the Republic of Belarus, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The right of every individual to refuse from the military service was also recognized by the UN Human Rights Council.

Such right of citizens of the Republic of Belarus was also recognized in Belarus. In the Ruling of the Constitutional Court of the Republic of Belarus of 26 May 2000 *On certain issues of realization of Article 57 of the Republic of Belarus* it is stated:

1. to point that citizens of the Republic of Belarus, according to the Constitution, have the right, in particular, for replacement of the military service because of their religious views. In connection with this, to consider as urgent the adoption of the law on alternative service or amendment of the Law *On universal military service* with the aim of establishing a mechanism for exercising the right to alternative service. To agree, for the period of decision of the questions of the conditions

and reasons for replacement of the military service, with the practice of creating (in conformity with Articles 31, 57 and 59 and other articles of the Constitution) of the conditions for implementation by citizens of the Republic of Belarus their duties on the defense of the Republic of Belarus in the forms that don't violate their religious views.

2. the extent to which a citizen's actions are connected with exercising his constitutional right to alternative service or refusal from the military service in the conditions that don't provide the due respect to his religious beliefs, should be taken into consideration by the competent state organs while deciding the questions of responsibility for the evasion from the military service.

In connection with the aforementioned facts, the Human Rights Center *Viasna* is of the opinion that citizens of the Republic of Belarus have the legal right to refuse from the military service because of their convictions and demand to provide them with the opportunity to exercise their constitutional right to alternative service.

The Human Rights Center *Viasna* considers as inadmissible the criminal persecution of the persons who refuse from the military service because of their religious views, but agree to its replacement with alternative service. Criminal persecution of such individuals is a human rights violation.

The Human Rights Center *Viasna* demands an immediate release of Ivan Mikhailau from jail and cessation of the criminal persecution towards him.

The Human Rights Center *Viasna* demands from the National Assembly of the Republic of Belarus to urgently adopt the law on alternative service as a practical mechanism for realization of the provisions of Article 57 of the Constitution.

Minsk, 12 January 2010

Human Rights Center *Viasna* demands immediate release from custody of Ivan Mikhailau and urgent adoption of Law *On alternative civilian service*

On 1 February 2010 the Minsk District Court sentenced Ivan Mikhailau to three months of arrest for ostensible evasion from draft into the army.

Ivan Mikhailau repeatedly addressed the draft board of Minsk district with the request to give him the opportunity to perform alternative civilian service because his religious beliefs didn't allow him to hold arms. However, instead he was first placed in a pre-trial prison within the frames of a criminal case, and then was found guilty of evasion from military service.

The civil right to alternative service ensues from Article 57 of the Constitution, which defines the protection of Fatherland as a sacred duty of a citizen. The order of performing military service and the reasons for and conditions of its replacement with alternative civilian service are determined by the law.

That's why the Human Rights Center *Viasna* considers that citizens of the Republic of Belarus have a legal right to refuse from military service because of their moral convictions and demand its replacement with alternative civilian service. Criminal persecution of such conscientious objectors is a human rights violation.

The Human Rights Center *Viasna* demands immediate release of Ivan Mikhailau and cessation of all criminal proceedings against him.

The Human Rights Center *Viasna* demands from the National Assembly of the Republic of Belarus to urgently adopt a law on alternative civilian service as a mechanism to realize Article 57 of the Constitution.

Minsk, 2 February 2010

Human rights defenders call to guarantee the right to fair trial in the cae of Autukhovich and Asipenka

The Human Rights Center *Viasna* urges the Belarusian authorities to ensure the right of Mikalai Autukhovich, Uladzimir Asipenka and all accused in this criminal case to a fair trial by an impartial and independent court in open court proceedings.

The Human Rights Center *Viasna* expresses its concern with the fact that the Supreme Court of the Republic of Belarus will consider this criminal case as the court of first instance. As verdicts of the Supreme Court are enforced on their announcement and are without appeal, this fact considerably limits the right of the accused to appeal the verdict.

Taking into account a wide public response to this case and the gravety of the charges presented to the entrepreneurs, the Human Rights Center *Viasna* calls on the authorities to provide the accused with the right to lodge cassation appeals with the board of judges in order to guarantee the complete, objective and all-side trial of the case.

This opportunity could be provided if the criminal case was considered by a regional court with a further check-up of the issued verdict by the criminal cases board of juidges of the Supreme Court of the Republic of Belarus.

Minsk, 9 March 2010

Viasna is concerned over harsh detention conditions in Cuba

The Human Rights Center *Viasna* expresses its concern over the death of the famous Cuban prisoner of conscience Orlando Zapata after 85 days of hunger-strike, while serving his 36-year term on charges of contempt, public disorder, and disobedience.

We consider his death to be caused by the severe detention conditions and the authorities' disregard for the prisoner's requirements to improve detention conditions.

We would also like to note that another Cuban independent journalist and doctor of psychology Guillermo Fariñas has been on a hunger-strike since 24 February 2010, demanding the release of 26 gravely sick Cuban political prisoners. His health causes serious concern.

On 2 March 2010 the relatives and fellow party members of the vice-president of the *November 30* party Maritza Lugo (6 persons) declared a hunger-strike in protest against the authorities' failure to bring official charges against the politician within three months of imprisonment.

The Human Rights Center *Viasna* expresses its solidarity with the political prisoners (200 persons, according to local human rights activists) and addresses the Cuban authorities with the following demands:

- to meet the requirement of Guillermo Fariñas and promptly release 26 severely sick political prisoners, and provide the necessary medical aid to them;

- to posthumously meet the requirement of Orlando Zapata and improve detention conditions in Cuba in accordance with the international standards;

- to promptly release Maritza Lugo;

- to release and exonerate all the Cuban prisoners of conscience.

On behalf of the Executive Board of the Human Rights Center *Viasna*, Uladzimir Labkovich

Viasna and BHC's statement on execution of Zhuk and Yuzepchuk

23 March 2010

Administration of pre-trial prison № 1 refused to take food, brought for Andrei Zhuk by his mother, and informed her that the death sentences,

passed on her son and Vasil Yuzepchuk in summer, 2009, were carried out.

The authorities cynically ignored the demands of the Belarusian human rights defenders and the UN Human Rights Committee not to execute the condemned, while their appeals were considered in the Committee.

The official notifications by the courts, that passed the death sentences, about their execution have not been sent to the relatives of the condemned so far, although it is provided for by the legislation.

Human rights defenders state that the execution was carried out in violation of the national legislation and the international obligations ratified by Belarus.

The Republic of Belarus ratified the International Covenant on Civil and Political rights and the first Optional Protocol to it. Thereby, it recognized the competence of the Committee to consider individual appeals against the supposed violation of any rights, specified in the Covenant.

The Constitution of the Republic of Belarus guarantees compliance with the universally recognized principles of international law, as well as the rights and freedoms of the Belarusian citizens, specified in the Constitution, laws and provided for by the international obligations of the state (articles 8; 21). Criminal-Executive Code of the Republic of Belarus secures the priority of international treaties over the national legislation, which regulates the implementation of criminal punishments (article 3).

According to article 61 of the Constitution of the Republic of Belarus, any person has the right, in compliance with the international acts, ratified by Belarus, to address international organizations in order to protect his/her rights and freedoms, after all the national remedies have already been used.

Both convicts used theirs right, guaranteed by the Constitution. Vasil Yuzepchuk and mother of Andrei Zhuk directed individual

communications to the UN Committee. The Belarusian State received a note from the Office of the High Commissioner of Human Rights about the registration of the individual communications in the Committee, as well as the demand not to execute the condemned, while their appeals are were under consideration in the Committee (the procedure is specified in Rule 92 of the Rules of Procedure of the Committee).

In spite of this, the Belarusian authorities carried out both sentences.

Human rights defenders condemn the execution of Vasil Yuzepchuk and Andrei Zhuk. We express a grave concern about the fact that the state shot its citizens before the decision on the issue was made by The UN Human Rights Committee. It demonstrates the state's contempt against the international procedures and guarantees of their implementation.

Human rights defenders recall ones again, that Belarus remains the only country in Europe, where death penalty is still being used.

Moreover, the UN Human Rights Committee amounts the procedure of execution in Belarus to inhuman treatment.

Human rights defenders demand that the Belarusian authorities comply with the national legislation and its international obligations, that they respect human rights and the utmost value –the life of a human being.

Human rights defenders also demand that the bodies of the executed are given to their parents, so that they could be buried in accordance with the existing traditions.

Human rights defenders continue to call on the introduction of moratorium on the death penalty in Belarus as soon as possible.

White-red-white flag can't be a reason for criminal prosecution

Statement by the Human Rights Center *Viasna*

On 20 April 2010 the Kastrychnitski District Court of Vitsebsk is due to consider the criminal case initiated against a member of the Conservative Christian Party BPF Siarhei Kavalenka, following an incident on 7 January 2010, when Mr. Kavalenka placed a Belarusian historical and national white-red-white flag on top of the Vitsebsk's main New Year Tree. Mr. Kavalenka was arrested by the police, who used violence against him.

He was charged with 'disorderly conduct' (Part1 of Article 339 of the Criminal Code). Siarhei Kavalenka was also accused of threatening and using violence against policemen (Paragraph 2 of Article 363 of the Criminal Code).

Considering this, the Human Rights Center *Viasna* states:

The public demonstration and placing of a national white-red-white flag by Mr. Kavalenka can in no way be deemed as a criminal offense, since it is neither cynical nor disrespectful for the society, and did not aim at this.

The act committed by Kavalenka is a civil and political event, performed in the form stated above, and was not aimed at undermining the public order or disrespect for the society.

It is especially doubtful that Kavalenka allegedly used violence against the policemen during his arrest. The police used excessive force against Kavalenka and handcuffed him. Kavalenka tried to appeal the brutality at the prosecuting and judicial bodies, a medical examination registered bruises on Kavalenka's body. The recent conviction on the same charges of the activist Surhan by the Kastrychnitski District Court of Vitsebsk makes us believe that these charges are a revenge used against Kavalenka by the law enforcement bodies and a justification of the abuse of their power.

Considering this, the Human Rights Center *Viasna* demands to stop the criminal prosecution of Siarhei Kavalenka under part1 of Art. 339 of the Criminal Code due to the evident lack of corpus delicti in the act.

The Human Rights Center *Viasna* calls on the Belarusian authorities to secure Siarhei Kavalenka's right to a fair trial, establish every circumstance of the case, deliver a judgment concerning the lawfulness of the police's actions against Mr. Kavalenka and ascertain the truth.

20 April 2010, Minsk

Public statement by Human Rights Center *Viasna* concerning search at Zmitser Salauyou's office in Navapolatsk

On 30 April the police searched the private office of the human rights defender Zmitser Salauyou in Navapolatsk. The search was sanctioned by the town prosecutor, Anatol Ausiuk, and V.Karenski, Chair of the operative crime detection activities section of the investigation department of the Navapolatsk Town Police Department, within the frames of the criminal case instigated under Article 341 of the Criminal Code – 'Defilement of buildings and destruction of property' on the fact of inscriptions with swastikas on walls of different houses of the town. Computer system units, CDs, many printed editions and white-red-flags were confiscated as a result of the search.

Numerous cultural events take place at Zmitser Salauyou's office, including the Belarusian dictation, meetings with well-known artists and writers, etc. Zmitser Salauyou is a human rights defender and civil activist who is quite popular in Navapolatsk. He meets with people who need his assistance as a result of violation of their rights by the authorities. His office is the only independent from the authorities place in Navapolatsk where democratically minded people can gather. That's why the authorities treat the very fact of its existence quite nervously. In 2006 office appliances, printed editions and human rights documents were confiscated as a result of a similar search. Nothing has been returned so far.

The office has also been repeatedly subject to attacks of neo-Nazis. The walls of the building were painted with swastikas and a roller blind on a window was damaged. In 2008-2009 the human rights defender thrice addressed the procuracy with the demand to instigate a criminal case against the neo-Nazis who also painted swastikas and anti-Semitic slogans on other houses of Navapolatsk. As a result he received refusals where it was stated that actions of unidentified persons couldn't be qualified as a crime.

The Council of the Human Rights Center *Viasna believes that the* search at the office of the human rights defender Zmitser Salauyou has a direct connection to his active public position. In particular, he has recently participated in the monitoring of the local council elections. Instead of detaining the neo-Nazis who act in Navapolatsk and Polatsk, the authorities use every possibility to exercise pressure on the human rights defender and hinder his human rights, civil and cultural activities.

We state our emphatic protest against the actions of the authorities seeking to limit activities of the human rights defender Zmitser Salauyou and call on them to stop the unjustified pressurization of the human rights defender, immediately return to him the confiscated property and start looking for the real criminals!

Council of the Human Rights Center *Viasna*

Minsk, 3 May 2010

Statement of Human rights defenders on Autukhovich's case

On 6 May 2010 the Supreme Court of the Republic of Belarus issued a verdict on the criminal case against Mikalai Autukhovich, Uladzimir Asipenka, Mikhail Kazlou and Aliaksandr Laryn.

Mikalai Autukhovich was charged with crimes under Article 18 and Article 218, part 3 of the Criminal Code – 'deliberate destruction or

anientisement, Article 295, part 4 of the Criminal Code – unlawful operations with firearms, ammunition and explosives, and Article 13 and Article 359 of the Criminal Code – preparation to terrorist act;

Uladzimir Asipenka and Aliaksandr Laryn were charged under Article 16, part 3, Article 218, part 2, Article 295, parts 3 and 4, Article 13 and Article 359 of the Criminal Code;

Mikhail Kazlou was charged under Article 425, part 2 of the Criminal Code – inaction of a duty official.

The accused spent a considerable time in custody before the trial (more than 12 months). At the trial, Mikalai Autukhovich, Uladzimir Asipenka and Aliaksandr Laryn were acquitted of deliberate destruction of property and preparation to terrorist act.

As it follows from the verdict, Mikalai Autukhovich, Uladzimir Asipenka and Aliaksandr Laryn were convicted under Article 295, part 3 of the Criminal Code – unlawful operations with firearms, ammunition and explosives, and Mikhail Kazlou – under Article 425 – inaction of a duty official, and got 5, 3, 3 and 2 years of imprisonment respectively.

The investigation of this criminal case that has received a large publicity in Belarus was closed from the very beginning. The lawyers of the accused were banned to disclose any information about the investigation under the threat of criminal responsibility.

The trial at the Supreme Court was open, which allowed representatives of the Belarusian and world community, mass media and human rights organizations watch its pace. As a result of the monitoring of the trial, the Human Rights Center *Viasna* and the Belarusian Helsinki Committee came to the following conclusions:

Serious violations of the process guarantees were committed during the preliminary investigation, including the right to legal defense. In particular, the accused A.Laryn was actually deprived of the right to legal defense on the stage of preliminary investigation. As a result

of interrogations and other process actions that had been conducted without participation of a counsel, he had given the testimonies that were later used against him and other accused: M.Autukhovich, U.Asipenka and M.Kazlou.

The investigation evidently used such means as keeping in custody as suspects for pressurizing the witnesses. Having given the testimonies that were necessary for the investigation, the detainees were released, received the status of witnesses and were no longer subject to criminal prosecution. All in all, more than 10 people were arrested within the frames of this case. As a rule, they were interrogated in absence of counsels.

Witness Liavonau spent 6 months behind bars.

These facts can be considered as arbitrary detention and abuse from the side of the investigative organs.

During the trial, the majority of witnesses alleged having been subject to physical and psychical pressurization by the investigation. A considerable number of witnesses refuted the accusative testimonies they had given during the investigation.

In connection with the aforementioned fact, the evidence acquired in such circumstances mustn’t have any legal force and cannot serve as the substance of an accusative verdict.

The counsels repeatedly stated during the trial that they had been limited by the investigation in the possibility to gather evidence and many of their motions had been dismissed by the investigation. Some of the motions of the defense that were important for an objective trial were also rejected by the court, which witnesses the accusative nature of the trial and violates the principles of objectiveness and impartiality of court.

The case was considered by the Supreme Court as the court of the first instance, by which the accused were deprived of the right to appeal

the sentence, as far as according to the Criminal Process Code verdicts of the Supreme Court are enforced after the announcement. It is a significant violation of access to justice, contrary to Article 115 of the Constitution of Belarus and Articles 2 and 14 of the International Covenant on Civil and Political Rights.

The analysis of the evidence received and studied at the trial, give no grounds to consider it as sufficient for an accusative verdict.

According to information of the investigator, the case is controlled by the President of the Republic of Belarus.

In such circumstances, the accusative verdict and imprisonment of the convicts are a result of legal proceedings that took place with evident violations of the process guarantees, which is connected with the political motives of the authorities and falls under the definition of the term 'political prisoners', given by experts of the Council of Europe (according to document of the Council of Europe SG\Inf(2001) 34\24 October 2001).

We demand that the General Prosecutor of the Republic of Belarus and the Chair of the Supreme Court hold a check-up of the legality and validity of the verdict issued, discharge the convicts and draw to the legal account the duty officials who committed gross violations of the criminal process legislation during the preliminary investigation.

The Republican Human Rights Association *Belarusian Helsinki Committee*

The Human Rights Center *Viasna*

Minsk, 6 May 2010

Violent dispersal and detentions of participants of Gay Pride in Minsk are violation of right to freedom of peaceful assembly and manifestation of discrimination

Statement by the Human Rights Center *Viasna*

On 15 May 2010, representatives of the Interior Ministry violently dispersed a peaceful demonstration of LGBT community activists. The Minsk city authorities banned the event due to a formal reason and failed to provide an opportunity to hold the demonstration in a different place, which would suit both sides.

Therefore, the Human Rights Center *Viasna* considers the actions by the Belarusian authorities a violation of the demonstrators' Constitutional rights, as well as the international human rights standards.

The Belarusian Constitution guarantees every citizen's freedom of beliefs and their free expression, as well as the freedom of peaceful assembly, demonstrations and pickets. The Constitution prohibits any form of discrimination of citizens.

The freedom of peaceful assembly and the inadmissibility of any form of discrimination are enshrined in Articles 22 and 26 of the International Covenant on Civil and Political Rights. These commitments were undertaken by the Republic of Belarus.

The Human Rights Center *Viasna* once again calls on the Belarusian authorities to show respect for human rights and secure the freedom of peaceful assembly and free expression, without any discrimination, including sexual discrimination.

The Human Rights Center *Viasna* would also like to stress that such actions by the authorities do not contribute to the reduction of homophobia in the Belarusian society.

We demand to immediately release all the participants of the demonstration detained by the police.

Minsk, 17 May 2010

Human rights groups condemn two new Belarus death sentences

Amnesty International, the Belarusian Helsinki Committee and the Human Rights Center *Viasna*. London/Minsk

London/Minsk, 17 May 2010

Amnesty International has joined leading Belarusian human rights groups in condemning the death sentences handed down to two men convicted of murder in the city of Hrodna.

Aleh Hryshkautsou (29) and Andrei Burdyka (28) were sentenced to death by shooting on 14 May 2010 for crimes committed during an armed robbery on a flat in Hrodna in October 2009. Both men were found guilty of premeditated murder, armed assault, arson, kidnapping of a minor, theft and robbery.

“The death penalty is not the answer to violent crime. At a time when the world is moving towards abolition of the death penalty, Belarus is taking a step backwards,” said Halya Gowan, director of Amnesty International’s Europe and Central Asia Programme.

Aleh Hryshkautsou and Andrei Burdyka have 10 days to appeal against the sentence to the Supreme Court. If refused, they can apply to Belarusian President Aliaksandr Lukashenka for clemency.

Belarus remains the only country in Europe that is still carrying out executions. Amnesty International, the Belarusian Helsinki Committee and the Human Rights Centre *Viasna*, have jointly called on the Belarusian authorities to signal their desire to abolish the death penalty by commuting both sentences.

“We will judge the government on the basis of its acts, and by sentencing these two men the government is demonstrating its true intention of continuing the use of this brutal and pointless punishment. The only convincing declaration would be to declare a moratorium,” said Aleh Hulak, Chair of the Belarusian Helsinki Committee.

Aleh Hryshkautsou and Andrei Burdyka reportedly robbed a flat in Hrodna in October, killing one man and two women and taking a child hostage. They reportedly set fire to the flat and then forced a taxi driver to drive them to Minsk or Moscow, but were detained the following morning in Belarus when the taxi driver escaped.

The death sentences come two days after a UN Universal Periodic Review Working Group session at which Belarus came under criticism for its retention of the death penalty.

The government stated that the death penalty is a temporary measure, applied only for the gravest crimes, and that abolition is being actively discussed.

"The death sentences passed against Aleh Hryshkautstou and Andrei Burdyka once again demonstrate the need to immediately impose a moratorium on the death penalty. It is clear that as long as the death penalty is retained in law, judges will continue to hand down death sentences," said Halya Gowan.

Two men were executed in Belarus in March. Vasil Yuzepchuk was executed for the murder of six elderly women, while Andrei Zhuk received the death penalty for the armed assault on and murder of a man and woman.

Joint Statement by the International Federation for Human Rights (FIDH) and the Human Rights Center *Viasna*

Minsk-Paris, 27 May 2010 — The International Federation for Human Rights (FIDH) and its member organization in Belarus, the Human Rights Center *Viasna*, express their profound concern regarding the wave of new punitive measures (searches, interrogations and arrests) against human rights defenders, independent journalists and representatives of the political opposition parties and regarding the general deterioration of the human rights situation in the country.

«We are highly concerned about the new wave of restrictions on civil and political rights in Belarus in recent months: the rights to the

freedoms of information, peaceful assembly, association and expression are being blatantly violated», said Souhayr Belhassen, President of FIDH. «Our fear is that this is part of a deliberate pressure on the part of the authorities ahead of the presidential elections».

Of particular concern is the fact that Belarus is the only country in Europe and in the post-Soviet block where the death penalty is not only legal but is also implemented regardless of appeals from the international community. «The executions of Andrei Zhuk and Vasil Yuzepchuk in March 2010 despite the fact that their cases were pending at the Human Rights Committee and the two death sentences passed on 14 May 2010 against Aleh Hryshkavets and Andrei Burdyka are evidence of the unwillingness of Belarus to follow the fundamental principles of human rights», said Ales Bialiatski, Vice-president of FIDH and President of the Human Rights Center *Viasna*.

Human rights defenders who have been working throughout the last few years under conditions involving great risks, are now facing additional difficulties. Indeed, the regional offices of human rights defenders have undergone a series of searches. On 30 April 2010, a search was carried out and computer equipment confiscated from the office of the human rights defender Dzmitry Salauyou, in Navapolatsk. Police confiscated his computer equipment under the pretext that neo-Nazi slogans had appeared on the walls of houses in the town, regardless of the fact that Mr. Salauyou has made several unsuccessful appeals to the police concerning the neo-Nazi slogans in the town and on the wall of his office. In 2007 and 2009, Mr Salauyou repeatedly gave the address of his office to the Ministry of Justice of the Republic of Belarus as the legal address for registration of the human rights organization *Nasha Viasna*, whose members attempted to register after the official liquidation of the Human Rights Center *Viasna* by the Belarussian authorities in 2003. Mr. Salauyou is one of the founding members of *Nasha Viasna*.

On 19 May 2010, a search was carried out in the office of Valery Putitski, another of the founders of the human rights organization *Nasha Viasna*, in the town of Rechytsa.

In addition, there have been a series of searches carried out at the work places and in the private homes of a number of journalists, including Maryna Koktysh, a journalist for one of Belarus' leading independent newspapers *Narodnaya Volia*, Sviatlana Kalinkina, the newspaper's deputy editor, and also the prominent independent journalist Iryna Khalip, and Natallia Radzina, a journalist for the *Charter'97* website. All these journalists are witnesses in a criminal trial concerning the alleged defamation of the KGB general Ivan Korzh. Computers were confiscated,and searched,their passwords were cracked in order to access email and Skype correspondence. FIDH and the Human Rights Center *Viasna* fear that these acts aim at putting pressure on leading independent media journalists ahead of the presidential elections. FIDH and the Human Rights Center *Viasna* are concerned that the journalists will be arbitrarily accused of crimes, preventing them from appearing as witnesses in the above mentioned trial.

On 18 and 19 May, 2010, in more than 20 cities in Belarus, searches were carried out in the private flats and offices of NGO activists of the civic campaign Speak the Truth. Several dozen people were arbitrarily arrested as a result of these searches. The leaders of the campaign, Uladzimir Niakliayeu, Siarhei Vazniak and Andrei Dzmitryieu, spent three days in a temporary isolator (IVS) in Minsk as suspects according to article 250 of the penal code (spreading false information about goods and services). They were released on 21 May, 2010. We believe that this heavy handed action which was endorsed by the Belarus authorities was intended to scare the campaign activists and Mr. Niakliayeu in particular, as he is a potential candidate in the forthcoming presidential election in Belarus. Furthermore, on 3 March 2010, Andrei Sannikau, the leader of the civic initiative European Belarus, was subjected to a search and interrogation. The day before, he had also announced his intention to stand as a candidate in the forthcoming presidential elections.

Moreover, FIDH and the Human Rights Center *Viasna* note that, at present, in the country there are people still held in prison whom we believe have been prosecuted and convicted on account of their political activity. For example, the opposition activist Aleh Surhan was convicted

by the Kastrychnitski court in Vitsebsk on 19 February 2010 to six months detention under article 364 of the Criminal Code (violence or threat of violence against a police officer).

On 14 May 2010, the Conservative Christian party activist Siarhei Kavalenka was sentenced to house arrest for three years with permission to go to work and be outside for no more than 1,5 hour per day by the Vitsebsk Kastrychniatski court under articles 339 (deliberate act, gross violation of public order and expressing obvious disrespect for society) and 363 (resisting a police officer or other public order official) for hanging the national Belarusian white and red striped flag from the Vitsebsk Christmas tree on 7 January 2010 (orthodox Christmas day).

To this day, Tatsiana Tsishkevich, Aliaksei Bondar and Mikhail Kryvau who were sentenced to imprisonment for taking part in the peaceful protest demonstration by entrepreneurs in January 2009, have not been granted amnesty and are being forced to live outside the Republic of Belarus because of threats of additional criminal proceedings. On 15 June 2009, Maksim Dashuk was sentenced for a second time to house arrest for one year and three months with permission to go to work and be outside for no more than 1,5 hour per day. To this day he is serving his sentence. During the elections for local council deputies of the 26th assembly in April 2010, the KGB directorate for the Hrodna province brought criminal proceedings against one of the candidates, Ales Zarembiuk, a political activist of the *For Freedom* (*Za Svabodu*) party from the town of Mosty. Mr. Zarembiuk is a well-known young politician who was deputy for the Masty regional Council of Deputies from 2003 to 2007 and has repeatedly stood as a candidate in local and parliamentary elections.

On 1 July 2010, Decree No. 60 on measures to improve the utilization of the national segment of the Internet will come into effect. This decree was signed by President Lukashenka on 1 February 2010 and could seriously restrict the rights of citizens to receive and disseminate information.

FIDH and the Human Rights Center *Viasna* call upon the authorities of Belarus to:

Release without further delay all people convicted for political reasons who are in prison or are serving other forms of punishment which restrict their freedom, and grant amnesty to those formerly convicted for participating in a peaceful demonstration and ensure that they may return to their homeland;

Stop the practice of arbitrarily arresting citizens for political reasons and take effective steps to investigate existing cases of illegal arrests, and conform with the International Covenant on Civil and Political Rights and its first Optional Protocol and with the OSCE Human Dimension commitments relating to civil and political rights.

stop the persecution of human rights defenders and conform in all circumstances with the United Nations Declaration on Human Rights Defenders.

Stop the persecution of journalists and social and political activists and ensure that all the country's citizens have the right to participate freely in the forthcoming presidential electoral campaign; take effective steps to ensure the freedom of the independent media, both domestic and foreign;

Promote the role of the judiciary in Belarus and ensure that the executive does not interfere in the administration of justice and fulfill the recommendations of the UN Special Rapporteur on the independence of judges and lawyers; ensure appropriate publicity for the judicial process; conform with the OSCE Human Dimension commitments in particular in the field of the Rule of Law.

Introduce a moratorium on the death penalty, ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and take steps to remove the death penalty from the penal system;

Pass legislation in accordance with international standards relating to freedom of assembly after simplifying and curtailing the procedure of notification, suppress the obligation for organizers to pay the costs of

guaranteeing law and order and safety for citizens and suppress the groundless restrictions on place, time and procedure for holding events;

Appropriately implement the duty of the state to protect the right to peaceful assembly by improving the mechanisms and procedures which will enable the freedom of assembly to be practiced without excessive bureaucratic regulation; Investigate every case of arbitrary prohibition of peaceful protests and the persecution of its participants.

FIDH and *Viasna* urge Belarusian authorities to promptly render medical aid to Atukhovich

The FIDH and the Human Rights Center *Viasna* have learned about the start of an open-ended hunger-strike by the imprisoned Mikalai Autukhovich after he was refused medical aid by the administration of Minsk's detention center #1.

As a result of a long (over a year) imprisonment in extremely unfavorable conditions, Mikalai Autukhovich lost nearly all his teeth and thus is deprived of any opportunities of taking regular meals. Despite the prisoner's numerous appeals to the center's administration and the Department for the Execution of Sentences of the Interior Ministry, he has been repeatedly denied access to necessary medical aid. Moreover, the center's administration has been blocking the submission of appeals to the Department for the Execution of Sentences.

On 16 May 2010, the entrepreneur Mikalai Autukhovich was sentenced to 5 years of imprisonment by the Supreme Court of the Republic of Belarus on charges of possessing weapons. Mikalai Autukhovich, together with Uladzimir Asipenka, Mikhail Kazlou and Aliaksandr Laryn, had initially been accused of a number of grave crimes, including plotting of a terrorist act; however, after their cases were considered in an open trial, they were acquitted of the majority of charges.

The case has a wide public response and was closely monitored by the human rights activists. The FIDH and the Human Rights Center *Viasna*

believe that the investigation into the case was accompanied by grave violations of procedural guarantees, obviously dealing with political grounds.

The FIDH and the Human Rights Center *Viasna* believe that the Belarusian authorities' refusal to provide medical aid to the prisoner Mikalai Autukhovich is a manifestation of inhuman and cruel treatment and torture, as well as an outrage against Art. 25 of the Belarusian Constitution and Art. 7 of the International Covenant on Civil and Political Rights.

The FIDH and the Human Rights Center *Viasna* urge the Belarusian authorities to promptly put an end to the violation of Mikalai Autukhovich's rights and provide him with necessary medical aid.

Paris-Minsk, 18 June 2010

The persecution against independent voices must stop.
The death of Aleh Biabenin must be investigated.

Minsk-Paris, September 13, 2010 - FIDH and its member organisation Human Rights Center *Viasna* are deeply concerned about the ongoing repression against independent journalists and civil society activists in Belarus prior to the upcoming of the presidential elections which will take place in early 2010.

On September 3, 2010, well-known independent journalist Aleh Biabenin was found hanged in his country house in the outskirts of Minsk. Mr. Biabenin was the founder and head of the independent website of the independent website *Charter'97* and a member of the Belarusian Association of Journalists. The prosecutor's office of Dziarzhynsk district has opened an investigation into the circumstances of his death. Law-enforcing agencies have declared that Mr. Biabenin committed suicide.

However, the unclear circumstances of his death cast doubts among his relatives, colleagues, and human rights organisations concerning

the official version of the facts. No note explaining his suicide has been found, and according to an sms sent to his friends, Mr Biabenin planned to go to the cinema that evening. Moreover, according to the website *Charter'97*, during the initial inspection of the body "a constriction mark was found on the Mr. Biabenin's neck , which can be a sign of both a suicide and of a violent death by suffocation or strangulation with a noose."

Souhayr Belhassen, president of FIDH, stated : "The fact that Mr. Biabenin had repeatedly been subjected to pressure and intimidation in the previous years for his activities as an independent journalist is indeed particularly worrying. A transparent investigation has to be opened on the circumstances of his death."

European Parliament President Jerzy Buzek also called for a transparent investigation of this tragic death on September 5, 2010 and declared that Mr. Biabenin "was working to create a more democratic Belarus through his work with *Charter'97*."

Moreover, on September 6, 2010, Sviatlana Kalinkina, chief editor of the independent newspaper *Narodnaya Volia*, who had written a commentary on Mr. Biabenin's death, received an anonymous message on a postcard of the campaign *Speak the truth* (a campaign organised by activists defending freedom of speech, which has been repressed by Belarusian authorities) threatening her of death: "Live in fear. The hunt after traitors has started. One more article like this and you will be f***ed up." Ms. Kalinkina, declared:"The card was not posted, but it was just put into my mailbox as a hint that senders know perfectly where I live. ... Today, after Aleh Biabenin's sudden death, the circumstances of which leave a lot of questions, this is not an attempt to intimidate me personally, but all the activities aimed at the creation of an atmosphere of tension and fear both in the journalistic community and society as a whole."

FIDH and *Viasna* also recall that doubts are regularly raised by Belarusian and international human rights organisations concerning the independency of investigations conducted by the law-inforcement

bodies, as for instance in the cases of disappearances and possible extrajudicial executions of political opponents of the Lukashenko regime, namely V. Hanchar, Yu. Zakharanka, businessman A. Krasouski and Russian TV operator Dzmitry Zavadski all of whom have disappeared. According to Ales Bialiatski, Vice-President of FIDH and President of Human Rights Center *Viasna*, “The lack of progress in the investigations of those cases causes general mistrust towards the investigation into the death of Aleh Biabenin. The pressure on independent voices in Belarus only reinforce this attitude.”

FIDH and Viasna call upon Belarusian authorities to :

– conduct a prompt, comprehensive, impartial investigation into the death of independent journalist Aleh Biabenin and to present its results, including the material evidence and forensic examination, to Belarusian organisations, in particular to the Belarusian Association of Journalists, and to the international community;

– immediately stop the repression and threats against independent voices and civil society;

– respect fundamental freedoms, including freedom of expression according to the International Covenant on Civil and Political Rights.

Human rights activists issue statement on start of observation campaign

The House of Representatives of the National Assembly of the Republic of Belarus has scheduled the presidential election for 19 December 2010. Under Article 81 of the Belarusian Constitution, ‘the President shall be elected directly by the people of the Republic of Belarus for a term of office of five years by universal, free, equal, direct and secret ballot.’

The presidential election is a major political and social event and tends to arouse huge interest by the subjects of political process,

representatives of the civil society and Belarusian citizens. Besides, the presidential election is a major examination of democracy in Belarus, affecting the country's reputation worldwide.

Bearing in mind the importance of the presidential election, we, representatives of Belarusian human rights organizations – the Belarusian Helsinki Committee and the Human Rights Center *Viasna* – are announcing the start of the *Human Rights Defenders for Free Elections* campaign.

The campaign is aimed at maintaining observation of the presidential election, assessing the electoral process in its compliance with the Belarusian electoral legislation and the international standards for free and democratic elections, as well as communicating of information on our conclusions to both Belarusian society and international community.

The observation will be maintained by the members of the above-mentioned organizations in accordance with current legislation.

The long-term observation of every stage of the election will be maintained by 80 observers across the country. The long-term observers will apply for registration to territorial election commissions.

The voting procedures will be observed by 600 short-term observers at 300 polling stations across the country. Especial attention will be paid to voter turn-out.

The *Human Rights Defenders for Free Election* campaign is independent and not affiliated with any political force. We do not represent political parties or any other political agents, including the presidential hopefuls. The election procedures will be assessed with maximum impartiality, on the basis of the principles of free, democratic and transparent elections, which could enable the Belarusian people to fully implement their Constitutional right to take part in the government of their country and elect the head of State.

Minsk, 16 September 2010

Belarus: Repressions against youth activists should stop

Paris-Minsk, 26 October, 2010. FIDH and its member organisation in Belarus, Human Rights Center *Viasna*, express their concern regarding the Belarusian authorities' groundless and growing repression toward certain political activists, in particular those from anarchist and anti-fascist youth movements.

In the early hours of August 31, 2010 the Russian Embassy in Minsk was attacked. A Molotov cocktail was thrown onto the embassy grounds by an unknown assailant, as a result of which a car was burned (without causing any injuries). Instead of a full-fledged investigation into this criminal case, Belarusian criminal investigative agencies began to summon anarchist youth movement activists for "discussions" and interrogations at KGB offices all over Belarus, as a result approximately 30 people were detained, their homes searched, and computer hardware confiscated.

On September 3, 2010 the first mass detentions on suspicion of committing the attack on the Embassy took place in Minsk. Seven anarchist youth movement activists were kept in a temporary detention center for three days. However, on September 6, they were "re-detained" in violation of criminal procedural law, now apparently on a different charge. After three consecutive "re-detentions", five people were released and two – Aliaksandr Frantskevich and Mikalai Dziadok – remained in custody.

Mikalai Dziadok was detained by the police on seven separate occasions for three days each time, once even without an explanation on the nature of the charges against him. The activist was then transferred to Pretrial Detention Center No. 1 in Minsk. On October 1, 2010 he was charged with organising an unsanctioned event – referring to a demonstration that took place last year on September 19, 2009. The demonstrators, approximately 30 in all, were protesting the joint *Zakhad* 2009 Russian-Belarusian military exercises that took place in Belarus in September 2009.

During the demonstration an unknown individual threw a smoke grenade onto the grounds of the General Military Headquarters of the Republic of Belarus. Mikalai Dziadok was accused of having “led a column of demonstrators, dispensed gauze bandages and tear gas canisters, and given instructions.” His “crime” fell under Article 339, Part 2 of the Criminal Code: “hooliganism perpetrated by a group of individuals.” Mikalai Dziadok pleaded not guilty. He is being held pending trial.

The investigative agencies carried out actions that flagrantly violate the rights of the detainees. For example, none of the detainees quite qualify for detention according to Article 108 of the Criminal Procedural Code – nobody saw them at the time the crime was committed, nobody identified them as the individuals who committed the crime, and there was no traces on their clothing, etc.

The right to a defense was violated in the case of some of the detainees. For example, Aliaksandr Frantskevich’s lawyer was not able to find his client for three days.

Re-detentions are themselves a cause for concern. There are procedures and time limits that are clearly spelled out in current law, the Criminal Procedural Code: individuals charged under Article 339 of the CC, Parts 1 and 2, can only be detained for three days. Investigative agencies based detention at first on suspicion in connection with the attack on the Russian Embassy and later in connection with the attack on the Federation of Labor Unions, and then under some other contrived pretext. This flagrantly violates detainees’ rights. Instances of the use of psychological pressure on detainees are also known. During one of her interrogations, the activist Tatsiana Semianishchava slashed her wrists with a box cutter. Attempts were made to require other activists to testify against Mikalai Dziadok. In other instances, the police threatened them with arrest and other problems.

At present, Mikalai Dziadok and Alexander Frantskevich are in detention. The latter is charged with having made a video of the attack by unknown assailants on a district police station in the city of

Salihorsk, where in May 2010 two bottles of a flammable liquid were thrown at the station. The anarchist Siarhei Sliusar, who was released earlier, is being detained once again in the town of Babruisk. He is suspected of having thrown a Molotov cocktail at the Babruisk KGB building during the early hours of October 17, 2010.

FIDH and HRC *Viasna* consider the arbitrary detention of youth movement activists, conducted in violation of procedural norms on the part of investigative agencies, and the groundless pressure being exerted on them as politically motivated. Our organisations demand that these lawless actions cease and that detainees be immediately released.

Statement of Belarusian Human Rights Defenders

The National Conference on Results of Study of Civil Society Index in the Republic of Belarus will take place on 14 November. From the Belarusian side, the research was organized by Yury Zahumennau, Chair of the Council of the *SKAF* Center, a member of the Civil-Consultative Council at the Presidential Administration. At the same time, the organizers of the conference were set the task to create the National Civil Society Platform and a human rights platform.

Despite the fact that representatives of human rights organizations have repeatedly expressed fears that:

the human rights platform is created too quickly and hastily;

the organizers stated their intention to cooperate with the authorities, despite the absence of the agreement of the latter to engage in a dialogue with human rights organizations, a considerable part of which have been deprived of the state registration or haven't been registered with the state;

Article 193.1, penalizing activities on behalf of unregistered organization, hasn't been eliminated from the Criminal Code of the Republic of Belarus;

several human rights organizations are dealing with election observation at the given period of time, and their participation in the creation of the platform for improvement of relations between human rights organizations and the authorities can be considered as a factor which can influence the independence and neutrality of the election monitoring;

the National Civil Society Platform for working out the mechanism of interaction with state organizations and international partners is created in unreasonably quick tempo without consideration of the opinion of numerous NGOs.

Nevertheless, as reported by the information agency *BelaPAN* on 16 October 2010 with reference to Yu. Zahumennau's words, "the creation of the civil society platforms on human rights will be initiated by the end of October within the framework of the OSCE project", and on 14 November there will be an attempt to declare the establishment of the National Civil Society Platform.

That's why we protest against the arbitrary approach to the establishment of the human rights platform and the National Civil Society Platform, in the course of which the interests and opinions of the active human rights organizations of the country are ignored.

It remains unclear how the event was prepared. The greatest associations of NGOs, such as the Assembly of NGOs and the Eastern Partnership Platform of NGOs, are absent among the organizers.

Human rights organizations, human rights group and individual human rights defenders have actively cooperated for more than ten years already. The results of their cooperation are such civil campaigns as *Human Rights Defenders for Free Elections*, *Human Rights Defenders Against Death Penalty*, *Campaign for Alternative Civilian Service*, *Campaign to Abolish Article 193.1*, joint educational and human rights projects (Human Rights School), the work of the Belarusian Human Rights House in exile (Vilnius, Lithuania) and the joint work of the Belarusian NGOs on preparation of an alternative report within the framework of preparation to the Universal Periodical Review.

On 25 September the 2nd Forum of Human Rights Forum was held with participation of 18 human rights organizations from Belarus. Negotiations and consultations are held between human rights organizations on a regular basis, including during the Belarusian and international human rights meetings and events.

Thus, a real platform of the Belarusian human rights initiatives has existed for many years already. Nevertheless, we note almost complete reluctance of the authorities to take into account the opinion of human rights defenders on the most important questions that concern the social, civil and political rights of Belarusian citizens and the implementation of the international undertakings of Belarus in the sphere of human rights.

We state that in case the Belarusian authorities express their agreement and wish to cooperate with human rights organizations, we are ready to such cooperation on the basis of the principles that were proposed in the Concept of interaction of the state authorities and the civil society, worked out under the aegis of the Assembly of NGOs. Human rights defenders will continue their work for promotion of human rights and democracy-building.

Human Rights Center *Viasna*,

Ales Bialiatski

Committee to Protect the Repressed *Solidarity*,

Ina Kulei

Belarusian Association of Journalists,

Zhana Litvina

Independent Society for Legal Research,

Alena Tankachova
Center for Human Rights,

Raisa Mikhailouskaya

Graduate of the Higher international course for human rights protection

Barys Zvoskau

Belarusian Human Rights House,

Tatsiana Reviaka

Educational human rights institution *Office for Rights of People with Disabilities*,

Siarhei Drazdouski

Mahiliou Human Rights Center,

Uladzimir Krauchanka

Human Rights Center *Legal Assistance to Population*,

Aleh Volchak

Minsk, 11 November 2010

Human Rights Center *Viasna* expresses its concern over situation with convicted entrepreneur Andrei Bandarenka

Statement

Minsk, 24 November, 2010

Member of the National Committee of the United Civic Party, candidate for Parliament during the 2008 election Andrei Bandarenka is serving a sentence in Babruisk penal colony, where he has been repeatedly

subject to harassment by the colony's administration, including repeated ungrounded incarceration, disciplinary sanctions, refusals of medical aid. Besides, Andrei Bandarenka has been reported to be subject to psychological pressure – he has been threatened with 'sudden death.' The facts show that the colony's administration has been using cruel, inhumane and degrading treatment against Bandarenka, viewed as torture by the international law.

We would like to emphasize that Andrei Bandarenka was convicted on 23 February 2010 for alleged 'theft by fraud.' The entrepreneur considers the verdict a politically-motivated decision. Bandarenka was on a protest hunger-strike from 15 June to 7 July 2010. The Human Rights Center *Viasna* believes the prosecution of Bandarenka was steered by political grounds. The verdict is also disputable in respect to its legality and well-foundedness.

Considering all this, the Human Rights Center *Viasna* calls upon the Belarusian authorities (particularly, the Interior Ministry), to refrain from violating the rights of Andrei Bandarenka and to provide him with proper detention conditions. We demand to promptly stop threats of the convict's life and health.

STATEMENT of Human Rights Center *Viasna* concerning terror campaign towards opposition-minded people

The Human Rights Center *Viasna*

STATEMENT

2 January 2011

The Human Rights Center *Viasna* expresses its strong protest against the beginning of the terror campaign in Belarus towards dissidents and political opponents of the government.

Starting from 19 December 2010, the country was flooded with political repression. On 29-30 December 22 people who are kept in the KGB jail

were formally charged under parts 1 and 2 of Article 293 of the Criminal Code of Belarus (organization and participation in mass riot), including five presidential candidates: Andrei Sannikau, Mikalai Statkevich, Aliaksei Mikhalevich, Uladzimir Niakliayeu and Vital Rymashevski. In addition to the presidential candidates, the charges were brought against the leaders of their campaign teams, journalists and other prominent opposition activists. The restraint in the form of two-month detention was chosen for all of them.

At least nine more people are also in the status of suspects in the criminal case on the riot, including two presidential candidates – Ryhor Kastusiou and Dzmitry Uss, as well as two citizens of the Russian Federation.

The Chair of the youth organization *Young Front* Dzmitry Dashkevich and its Deputy Chair Eduard Lobau are still kept in the pre-trial prison in Minsk on suspicion of malignant hooliganism.

More than 200 people are still kept in prison, serving administrative arrests for participation in the protest rally in Minsk on 19 December and the subsequent actions of solidarity with political prisoners. More than 700 people have been arrested or fined for the ten last days.

Human Rights Center *Viasna* is particularly concerned with information about the use of torture, psychological pressurization of detainees and the absence of medical care.

Starting from 20 December there began mass searches and interrogations of activists of opposition political parties, civic organizations and independent media. Hundreds of opposition activists, representatives of independent civil society and journalists have been threatened and harassed by the KGB and the Interior Ministry.

Premises of human rights organizations were searched in Minsk and in the regions. The authorities are trying to discredit the activities of human rights defenders in the eyes of the society.

The lawyers who defend the accused in the criminal case concerning the mass riot are pressurized as well.

The Human Rights Center *Viasna* expresses its strong protest over the outbreak of the Belarusian authorities of the mass political repression in the country and declares:

- the election of the President of the Republic of Belarus was not a free and democratic. The election results announced by the CEC in no way reflect the real will of citizens of Belarus.

- the protest rally against the undemocratic and non-free election was peaceful. The people who gathered in central Minsk, had peaceful purposes, and sought to peacefully express their opinions and protest.

- The incident with the smashing of windows in the building of the House of Government was not prevented by law enforcement agencies. The demonstrative non-action of the Interior Ministry, a large number of whose workers was present in Nezalezhnasts Square, points to an organized provocation by the authorities.

- The actions of the police to disperse demonstrators were clearly disproportionate to the character of the action. The use of physical force and police gear led to a large number of wounded members of peaceful protest.

- The attack of security services in civilian clothes on the presidential candidate Uladzimir Niakliayeu and his supporters was clearly provocative and lawless.

- The beating and arrest of virtually all presidential candidates, Aliaksandr Lukashenka's opponents, is nothing but political violence.

- The initiation of a criminal case under part 1 and 2 of Article 293 of the Criminal Code (mass riot) is used only for a long-term isolation of the leaders of the opposition pro-democracy movement, as well as for pressurizing and intimidating the country's civil society, independent media and journalists, as well as all dissidents in the country.

The Human Rights Center *Viasna* demands the immediate release of all prisoners and cessation of repressions against opposition leaders and activists, civil society and independent media.

The Human Rights Center *Viasna* expresses solidarity with all those arrested for their views, their family members and encourages members of the Belarusian public and the international community to support the repressed people.

The Human Rights Centre *Viasna* urges the governments of the European Union, the United States and international organizations to condemn the repression and massive human rights violations in Belarus and to take all possible measures for their immediate cessation.

2. Other documents

Resolution of the second Belarusian Human Rights Forum «Human Rights Situation in Belarus is unacceptably poor and calls for systemic measures for its improvement”.

Vilnius, 25 September 2010

“We, the participants of the 2nd Belarusian Human Rights Forum, evaluating the development of the human rights situation in Belarus since the first Forum in January 2004, regret to state that, taking into consideration the main parameters, the human rights situation in the country is steadily unsatisfactory.

As for the most painful points highlighted by human rights defenders in 2004, there has been no sustained progress:

- the rights and freedoms, guaranteed by the Constitution of the Republic of Belarus, are not secured, many of the legislative acts do not meet international standards of human rights, which lays the foundation for violations of constitutional rights of citizens;

- Belarus continues to ignore its international legal human rights obligations, including the decisions of the UN Human Rights Committee adopted in respect of Belarus;

- Lack of an independent judiciary as a separate branch of power deprives citizens of any possibility to protect violated rights in court and limits access to justice;

- A full, impartial and transparent investigations into disappearances of Yury Zakharanka, Viktar Hanchar and Anatol Krasouski have not been conducted; an official investigation into the disappearance of Dzmitry Zavadski was suspended on 31 March 2006 and has not been resumed since;

- Belarus is the only country in Europe and the former Soviet Union, which still not only practices death sentences, but enforces them;

- The country still holds political prisoners; opponents of the regime are subject to criminal and civil prosecution;

- The information space is totally controlled by the government, whose policy on independent media and journalists remain rigid and discriminatory;

- Freedom of assembly and association are not secured. The government continues to close down existing NGOs and deny registration to emerging NGOs, while activities of unregistered NGOs ones are punishable under the Criminal Law (Article 193.1 of the Criminal Code). 17 persons have been found guilty of violating this article since 2004;

- Equality of the two official languages is not respected:

- At the same time, there have been have seen some positive changes in some respects at certain periods over the past five years. In this regard, we welcome:

- Early release of some political prisoners,

- Initiation of a dialogue with the European Union on human rights issues,

- Submission of a national report under the UN Universal Periodic Review procedure;

- Targeted measures to liberalize domestic policies, including those associated with a decrease in the amplitude of political repression following their escalation in 2006, the registration of individual public associations and the return of independent media to the state distribution network, the creation of the Community Advisory Council at the Presidential Administration and the Coordination Council on the media and inviting individual representatives of the human rights community of the country for cooperation.

However, the scarce and mostly non-systemic goodwill gestures were insignificant against the authorities' total disregard for the values of human rights and fundamental freedoms: the irreversible and systemic changes for the better have not occurred.

We express profound disappointment over the dismissal by the authorities of the majority of recommendations on particularly sensitive human rights issues made by the UN Human Rights Council during its consideration of the Universal Periodic Review in May 2010.

We urge the Government of Belarus to:

- Review their policy and take all possible measures to implement the recommendations voiced by the UN Human Rights Council at the Universal Periodic Review.

- Declare a moratorium on executions, to be followed by the abolition of the death penalty.

- Lift the ban on the activities of unregistered public associations and other civil society structures, including the repeal of Article 193-1 of the Criminal Code.

- Take measures to implement the decisions of the UN Human Rights Council, taken on cases of violations of the Covenant on Civil and Political Rights by the Republic of Belarus.

- Accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

- Provide real equality of the two official languages of the Republic of Belarus: to publish all legislation in Belarusian and Russian languages to ensure everyone's access to education in the Belarusian language; to guarantee the equal use of the official languages in the state media, on radio and television, to implement in practice the freedom from linguistic discrimination.

We are ready to make our own efforts and to help the Belarusian government to implement these and other measures for the approximation of the country to international and European human rights standards. In this regard, it is our duty to note that the accession of our country to European instruments that would give our citizens the European level of guarantees of political and socio-economic rights in accordance with the standards of the Council of Europe is possible only if our government gets rid of the death penalty - this barbarous relic, which makes Belarus the pariah of the European continent.

In the context of the current socio-political agenda, we also call on the Belarusian government in the shortest time possible to:

- Release all political prisoners and restore the rights of persons who have been convicted and / or remain partially deprived of their rights on the grounds of political convictions or social activities, and reinstate the expelled students and the dismissed public and political figures.

- Refrain from political reprisals against the participants in the campaign for the presidential election in December 2010 and hold these elections in accordance with the national law the OSCE criteria for free elections.

- Refrain from restrictive measures against independent media and the freedom of expression, particularly the Internet regulations of 2010 as a means of censorship.

- Refrain from imposing additional restrictions on the establishment and operation of public associations and other forms of non-profit organizations, to prevent degradation of their status in relation to the draft law “On Noncommercial Organizations”.

We are confident that the steps taken in this direction will overcome the negative international image and self-isolation of Belarus, will contribute to a state system of government, where human rights and freedoms are observed and respected, will become a solid foundation for the development of the civil society in the country.”

Evaluation of Events Related to the Presidential Election: Position of the Human Rights Center *Viasna*

Non-free nature of the election as a catalyst for mass protests

The Human Rights Center *Viasna*, as one of the participants of the national monitoring mission *Human Rights Defenders for Free Elections*, cannot but mention some improvements at separate stages of the campaign, but in general, believes the 2010 presidential election fell short of a number of key international standards for democratic elections.

The Election of the President of the Republic of Belarus has neither been recognized as free nor democratic by the OSCE / ODIHR international election observation mission.

Since 1996, no Belarusian election campaigns, including presidential ones of 2001 and 2006, have been recognized by OSCE as compliant with international standards for free and democratic elections.

It should be noted that all election campaigns over the past fifteen years, especially presidential elections, have been far too predictable

in advance and are no longer a real form of exercising the citizens' constitutional right to participate in government; nor is it a form of a real government by the people. In this regard, political actors tend to perceive the elections rather as a political campaign, rather than as a real possibility of changing of power through universal suffrage.

Almost all nationwide election campaigns and referendums (elections to the Chamber of Representatives, presidential elections) end in protests against their undemocratic and non-free nature. Despite the peaceful nature of those rallies, the police violently suppress such assemblies. Their participants are subject to administrative detentions and beatings. It is rather common when opposition activists are prosecuted for organizing and participating in such events. Opposition leaders M. Statkevich and P. Seviarynets were brought to criminal responsibility for organizing peaceful protests against the results of parliamentary elections and a referendum on amendments to the Constitution (lifting restrictions to the number of presidential terms) on criminal charges of "organizing group activities that breach public order".

In 2006, over 700 persons were prosecuted under civil procedures for participating in a series of peaceful protests against the election results.

In reality, the end of every presidential election in Belarus is marred by arrests of persons who had been running in the election or collecting signatures for their nomination as candidates. In 2001, Mikhail Marynich was arrested and sentenced to imprisonment; after the 2006 election one of the presidential candidates Aliaksandr Kazulin was sentenced to 5.5 years in prison.

The authorities' reactions.

Just like during the 2006 presidential election, the authorities took active measures to prevent possible protests of citizens against non-free elections.

To this end, they used the state media, especially state television. Citizens were intimidated with provocations, allegedly plotted by the opposition.

On 10 December, 2010 Prosecutor General of the Republic of Belarus issued official warnings to five presidential candidates on the inadmissibility of violating the law. Warnings were issued to Uladzimir Niakliayeu, Vital Rymasheuski, Mikalai Statkevich, Yaraslau Ramanchuk and Andrei Sannikau. The warnings were said to be caused by the candidates' appeals to hold an unsanctioned rally in Minsk's Kastrychnitskaya Square after the polls closed on 19 December, 2010. Meanwhile, it was a second warning for candidates M. Statkevich and V. Rymasheuski. The first warning was issued by the General Prosecutor's Office for appeals to take part in an unsanctioned rally in Kastrychnitskaya Square on 24 November, 2010.

The next day, on 11 December, 2010, Head of the Presidential Administration Uladzimir Makei made an official statement, which was widely spread through public media. According to his statement, the opposition candidates, while calling on their supporters to gather on the polling day 19 December Minsk's Kastrychnitskaya Square, were actually preparing provocations, including the use of explosives. "We already know that they are not going to peacefully conduct this event but prepare groups of militants. I think that the government has enough strength and means to react calmly and with dignity in such a situation", added the head of the Presidential Administration.

On 15 December 2010, Aliaksandr Lukashenka held a special meeting with the security forces "on security during the election", where he said: "The reaction of law enforcement and military personnel should be adequate and tough. According to Aliaksandr Lukashenka, "the people need no Square", and those of the opposition leaders, who call to come there will "go into hiding". He ordered the State Security Council Secretary Leanid Maltsau to coordinate law enforcement activities during the election.

Similar threatening and preventive statements were also made by the KGB chair Vadzim Zaitsau, Prosecutor General Ryhor Vasilevich and Interior Minister Anatol Kuliashou.

Events of 19 December

The protest against the non-free election was announced and planned by the opposition presidential candidates as an exclusively peaceful mass

event. However, the day before the polling day was marked by preventive arrests of potential participants that became widespread on the polling day 19 December: civil and political activists, candidates' election agents and campaign activists were arrested across the country, they were blocked in their flats, got off trains, buses and cars; or isolated in other ways. The deliberate and well-planned nature of these actions was proven by Lukashenka's words after his voting at polling station number 1 in Minsk: "Do not worry, no one will appear on the Square today."

The intention to stage an exclusively peaceful rally on the polling day was announced by presidential candidates Uladzimir Niakliayeu, Ryhor Kastusiou, Vital Rymasheuski, Ales Mikhalevich and Yaraslau Ramanchuk in an address to the General Prosecutor of Belarus, which was aired at 4 p.m. In addition to demands to end preventive detentions across the country, the candidates asked the General Prosecutor to come to Kastrychnitskaya Square personally in order to assess the actions of law enforcement officers and demonstrators.

Ahead of the rally, which was scheduled for 8 p.m. in Kastrychnitskaya Square, it became clear that the authorities were not going to allow massive and long-term protests in the capital and had a plan of events.

At 19:10 secret service representatives in civilian clothes attacked a convoy of supporters of presidential candidate Uladzimir Niakliayeu on their way to Kastrychnitskaya Square. All the journalists present were forced to lie down with their faces in the snow, video equipment was intentionally damaged. The candidate himself was beaten up and taken to a hospital emergency room with injuries. During the attack, explosive packages were used and sound amplifying equipment, which was expected to be used during the rally, was seized. This became a serious signal that the security services operated on a pre-planned scenario and were ready to use any unlawful force or provocative acts. The main message of this development was formulated in Lukashenka's statement on 19 December: "I do not deal with criminals and saboteurs."

The protest rally in Kastrychnitskaya Square, which, according to various estimates, brought together between 20 and 40 thousand

participants, started at the scheduled time and was held exclusively in the peaceful way, the police did not prevent its implementation. The police did not intervene in the actions of the demonstrators, even when the column turned off the Nezalezhnasts Avenue. During the movement towards Nezalezhnasts Square, the demonstrators chanted slogans, holding flags and banners; no objects that would indicate the intention of violent acts were seen in their hands. In Nezalezhnasts Square near the Government House, none of those present candidates and other speakers called for the seizure of the building of Government, speaking of negotiations and the continuation of the protest on 20 December in the same Square, instead. However, at 10 p.m., despite a great concentration of law-enforcement personnel, unknown persons broke the doors and the windows of the Government House, the police did not respond to the illegal actions, not trying to stop them or isolate from other demonstrators. Such actions by the security forces indicate a planned and controlled nature of the provocation to justify further violent actions against the protesters.

Police actions.

According to observers of the Human Rights Center *Viasna* and other human rights organizations who observed the 19 December rally in Nezalezhnasts Square, the actions of the police to forcibly disperse the rally were clearly disproportionate. Violence and police gear (truncheons) were used against the peaceful demonstrators, including women and minors. This led to a large number of wounded among the demonstrators. Dozens of wounded were forced to seek medical help. Most of the demonstrators were arrested after the dispersal of the rally at a distance from the location. There are also known several cases of detention of totally random people.

It is known that a variety of special police units from different cities of Belarus, as well as conscripts of internal troops and the students of the Police Academy were involved in the violent dispersal of the rally.

During the violent dispersal of the rally presidential candidates Vital Rymasheuski, Andrei Sannikau and Ryhor Kastusiou were beaten.

According to testimony from the detainees, the police used physical force against them, as well as other forms of inhuman treatment, they were insulted and humiliated: people were thrown on the floor of the police buses, while the policemen were walking on their backs, detainees were threatened with physical violence, police personnel insulted their dignity with foul abuses.

All the detainees were taken to Minsk districts police department to face charges under Article 23.34 of the Civil Code of the Republic of Belarus (violation of the order of organization or holding mass events). A large group of detainees was taken directly to the detention center in Akrestsin Street in Minsk. In some police departments, legal procedures took a few hours, while all the detainees were facing the wall. In the Akrestsin detention center, the detainees had to spend many hours (up to 8 or more) in the corridor, facing the wall, some of the detainees were left in the buses. In this case, people were not allowed to drink, there have been cases of beatings and abuses of detainees by police officers.

It should also be noted that the police did not inform the families of the detainees about their whereabouts. No information about the detainees' whereabouts was provided and was accessed only by direct calls by their relatives to these institutions. In total, there are four places of civil detentions are known: Zhodzina detention center, Minsk district detention center (women), Minsk city detention center and the detention center in Akrestsin Street.

It should be noted that the police officers, while performing their official duties, had no badges on their uniforms with names or individual numbers. This fact complicates the identification of policemen in clarifying questions about abusing of authority and violation of human rights, and promotes a sense of impunity and anonymity of police officers.

Reference: Art. 23.34 of the Civil Code of the Republic of Belarus provides for civil liability for violation of the order of organizing or holding meetings, rallies, street processions, demonstrations and other mass events or pickets. The article consists of three parts: the

first part provides for liability of participants in such events, which have not been prosecuted for such offenses during the year. Part 1 Article 23.34 provides for a warning or a fine of up to BYR 1,050,000, or a administrative arrest for up to 15 days.

Part 2 provides for responsibility of the organizers of such events. It provides for a fine ranging from BYR 700,000 to 1,400,000, or an arrest for up to 15 days.

Part 3 provides liability for the persons have repeatedly committed the above-mentioned offence during a year. It provides for a fine of between BYR 700,000 and 1,750,000, or an arrest for up to 15 days.

The procedure of organizing and holding of mass events is regulated by the Republic of Belarus' Act "On Mass Events".

Trials of civil detainees for participation in the 19 December 2010 rally

All the nine district courts of Minsk considered the civil cases of the protesters detained during and after the rally in Nezalezhnasts Square. As a result, some 700 people were convicted. The cases were considered by a judge and a clerk of the court. On average, one trial took about 10-15 minutes. No information about the schedule of the trials was available, the lists containing the names of the detainees were absent in almost all the courts. In the courts of Maskouski and Savetski districts the trials were closed to the public: no media representatives, relatives of the detainees or other persons were let into the courtroom. There were also certain difficulties with access to the courtroom in the courts of Leninski, Kastrychnitski, Partyzanski and Zavodski districts.

The Human Rights Centre *Viasna* lawyers drew up and submitted over 20 complaints to Minsk City Court against the decisions of the courts on civil charges and analyzed more than 150 verdicts made by the courts concerning the detention of persons on 19 December.

Considering the analyzed cases, we can draw the following conclusions:

All the verdicts look ready-made. All the detainees were accused of being involved in an illegal street meeting outside Savetskaya Street, 11, shouting slogans “Long Live Belarus!” and “Leave!”, paying no attention to the policemen’s demands to stop their illegal activities.

The guilt of the detainees was proved only by written materials on the case, namely by police reports or testimonies by witnesses. The testimonies were exclusively made by the police personnel, who did not appear in the courtroom and did not called in as witnesses by the court. The arguments of the detainees themselves were not taken into account by the courts, but were treated in a critical way. The verdicts of the courts were extremely accusatory, with no absolvent decisions at all. As a result, the courts also convicted several random detainees, arrested during a mass capture of possible participants after the dispersal of the rally.

Some detainees admitted their guilt in participating in the unsanctioned rally and claimed a written petition for applying part 6 of Article 6.5 of the Civil Code of the Republic of Belarus, providing for a lower fine. For example, Part 1 Article 23.34 of the Civil Code of the Republic of Belarus does not specify the lowest fine limit, therefore the fines in this case should be BYR 17,500. However, the courts ignored these requests (including written ones) and sentenced the accused to arrests for a period of 10 to 15 days. It should be noted that during 2010 up to 19 December, the courts had been using this provision of the Civil Code in civil cases on violations of the order of organizing and holding mass events. Disregard of this provision of the Civil Code by the courts in the cases of the 19 December protesters shows that the courts were rather guided by orders than by the rules of law.

Right to protection.

In some cases, before the trial the judge did not always explain to the detainees their rights under Article 4.1 of Procedural Executive Civil Code of the Republic of Belarus, including the right to involve a counsel

in a civil trial. In case the detainees requested for participation of a counsel, the motions were met. Meanwhile, there were cases when the detainees were denied a right to legal protection.

Right to appeal.

Most of the persons sentenced to civil arrests were denied the opportunity to appeal the decisions.

According to Articles 12.2 and 12.4 of the Procedural Executive Civil Code, a court decision on imposing a civil penalty in the form of arrest may be appealed at a higher court within five days from the date of its proclamation.

At the same time, according to part 2, Article 11.12 of the Procedural Executive Civil Code, the verdict on the imposition of civil arrest is to be executed immediately.

The situation suggests that the decision on arrest is not yet in force, but the person is already serving an arrest imposed on him or her. Moreover, while in penitentiaries the persons are deprived of opportunities to enter into agreements with lawyers, to pay state fees, etc.

It should be noted that in some cases, the detainees passed their written complaints to the administration of detention centers, but those did not always pass them on to the courts. The complaints in most cases were left unattended or returned without review due to nonpayment of state fees. This led to the expiry of the periods for appealing the decision, provided by the Procedural Executive Civil Code. A failure to appeal a decision, until it enters into force, deprived a person of the right to further appealing the ruling through a supervisory appeal.

The convicts were not given a copy of the court decisions, not informed about their right to appeal the decisions.

When drafting complaints against the rulings by Minsk City Court the lawyers of the Human Rights Center *Viasna* demanded to recover the

periods for appeals due to a valid reason. Minsk City Court restored the missed deadlines and took the complaints for consideration.

Criminal cases

Following the events related to the presidential election in the Republic of Belarus, three criminal cases under Parts 1 and 2 Article 293 of the Criminal Code of the Republic of Belarus ("mass riots"), Part 3 Article 339 ("hooliganism") and Article 370 ("insulting national symbols") were instituted.

The majority of the accused are facing charges in the "mass riots" case, initiated by Minsk police on 20 December, 2010.

<u>Article 293 "Mass riots"</u>: 1. The organization of the mass riot which was accompanied with violence against people, demolition, arsons, defilement of property and armed resistance to representatives of the authority, is punished by 5-15 years of imprisonment.

2. Participation in mass riot which was manifested in the direct implementation of the actions that were mentioned in Part 1 of the Article, is punished by 3-8 years of imprisonment.

As of 19 January, 2011 Belarusian human rights defenders know about 32 accused and 16 suspects in the case. The accused include five presidential candidates: Uladzimir Niakliayeu, Andrei Sannikau, Ales Mikhalevich, Mikalai Statkevich and Vital Rymasheuski. All the former candidates, except for Rymasheuski, who remains under house arrest, were put in the KGB prison. Two more presidential candidates – Ryhor Kastusiou and Dzmitry Uss - are suspects in this case, being forced to give a written undertaking not to leave. Charges for organizing and participating in mass riots were also brought against several campaign chiefs and election agents of the candidates, as well as journalists, activists of the democratic parties and organizations, active participants in the 19 December protest. There are three women among the accused: journalist and wife of presidential candidate Andrei Sannikau Iryna Khalip, journalist Natalia Radzina and deputy chair of the *Young*

Front Anastasiya Palazhanka, as well as two citizens of the Russian Federation. Out of the 32 accused, 28 were detained, 4 are under travel restrictions. According to human rights defenders, out of 16 suspects, 5 are in custody, 9 under travel restrictions, 2 are currently outside the country, most of them being the protesters, who had served civil arrests.

According to Minsk city police, they have identified nearly 120 active participants in the protest on 19 December, therefore the list of accused and suspects is not yet final and is likely to increase.

Article 339, 'Hooliganism'

1. Deliberate actions that grossly violate the public order and demonstrate an evident disrespect to the society, which are accompanied with the use of violence or the threat of its use or destruction or waste of property of other people, or are defined by an exceptional cynicism (hooliganism), -

2. Hooliganism, committed repeatedly or by a group of persons or connected with resistance to a person that stops the hooligan actions, or accompanied with the infliction of a less hard bodily injuries (malignant hooliganism)

3. The actions that are provided by parts 1 and 2 of the article, committed with the use of weapons and other items that are used as a weapon for infliction of bodily injuries, with the use of explosives or explosive devices or are committed with the threat of their use, in the absence of the traits of a harder crime (especially malignant hooliganism) are punished with 3-10 years of imprisonment.

Criminal charges under Part 3 Article 339 of the Criminal Code were brought against the leader of the *Young Front* Dzmitry Dashkevich and the activists of the organization Eduard Lobau and Dzianis Lazar, who were detained in Minsk on 18 December, 2010. According to investigators, they arbitrarily and deliberately punched and beaten two citizens with metal tongs. On 28 December, Dzianis Lazar was released, all the charges against him were withdrawn, on 6 January 2011,

Dzmitry Dashkevich and Eduard Lobau were officially indicted, both men are currently in custody in the prison of Zhodzina.

Article 370 "insult of the state symbols": Insult of the State Emblem of the Republic of Belarus, the National Flag of the Republic of Belarus, the National Anthem of the Republic of Belarus is punished by public works or a fine or by corrective work for up to two years, or imprisonment for up to three months, or a restraint sentence of up to one year.

As yet, there are no suspects in the case, but police have reportedly been processing the photo and video coverage of the rally, which are said to feature the replacement of the state flag by the national white-red-white one at the KGB building during the march in Nezalezhnasts Avenue. The investigation of the case involved searches of some journalists, who might have similar photo and video coverage.

The criminal case has been used by the authorities as a formal pretext for conducting searches, calls for conversations and interrogations of the political opposition activists, civil society organizations, human rights defenders and independent media journalists.

Between 20 December and 19 January 2011, according to information of the Human Rights Center *Viasna* alone, about 100 searches have been conducted. Simultaneously, about 100 citizens have been summoned for interrogation by the KGB as witnesses in the case. People are often called for "conversation" in the Interior Ministry departments by telephone, as their mobile phones were located in Nezalezhnasts Square on 19 December. However, the citizens are usually not explained their right not to give explanations and testimony against themselves. There were a number of facts of interference by representatives of the KGB and police into the legal assistance to citizens during interrogations and conversations.

The scale of the ongoing searches indicates that the criminal case has been used by the Belarusian authorities for a campaign of harassment and pressure on dissidents in the country, creating an atmosphere of fear in Belarusian society.

Right to the protection of the accused, the pressure on lawyers and human rights defenders.

Despite the fact that Article 48 of the Code of Criminal Procedures guarantees the counsels' right to meet freely with their clients one on one, without limitation on the amount and duration of meetings, the lawyers of the majority of the accused, currently in detention, are deprived of such opportunities and they can only see their clients during interrogations. According to the administration of the KGB prison, the main reason for the inability to organize such meetings is the small amount of free space where the meetings could take place. Despite numerous complaints from lawyers to the General Prosecutor's Office, the situation has not yet changed. Meanwhile, the General Prosecutor's Office and Minsk City Prosecutor's Office have repeatedly said that all the accused are guaranteed the right to legal assistance. It was not until 17 January 2011, after repeated complaints to the prosecuting authorities, Uladzimir Niakliayeu's lawyer Ms. Tamara Sidarenka received a reply from Minsk City Prosecutor's Office, which recommended the chief of the KGB detention center to provide opportunities to ensure the rights of lawyers to meet with their clients.

The lawyers' comments to the media about the impossibility of meetings with their defendants, as well as on their health and detention conditions, have generated a backlash by the Ministry of Justice of the Republic of Belarus. The Ministry of Justice has accused some lawyers of giving biased and one-sided comments, which, according to the Ministry, violates the rules of legal ethics. The Justice Ministry addressed Minsk City Bar with a demand to consider the possibility of imposing disciplinary penalties on four lawyers. It also recommended considering the possibility of suspending the license of Andrei Sannikau's counsel and member of the Presidium of Minsk City Bar Pavel Sapelka.

On 12 January, a meeting of Minsk City Bar considered the motion by the Justice Ministry. The leaders of the Bar saw no grounds for instituting proceedings on the motion and application of sanctions against the lawyers.

Pressure from the authorities has also been used against human rights activists, e.g. on 20 December 20 2010, persons in civilian clothes conducted an illegal search at the office of the HRC *Viasna*, in which all the PC system units were seized. 10 persons, including lawyers Valiantsin Stefanovich and Uladzimir Labkovich, were detained by police and taken to Minsk Pershamaiski District Police Department, where they spent more than three hours and were released without explanation for their detention.

On 14 January, a search was conducted in the office of the BHC. On 17 January, the office of the HRC *Viasna* was searched again. On 19 January, the KGB searched the office of the Human Rights Centre.

Searches were also conducted in the private apartments of human rights activists Alena Tankachova, Aleh Hulak, Ales Bialiatski, Raisa Mikhailouskaya and Ales Kaputski (Maladechna).

Apart from that, on 13 January, the Ministry of Justice issued a written warning to the BHC for submitting information to the UN Special Rapporteur on the Independence of the Courts, which dealt with the facts of pressure on lawyers from the Justice Ministry. The Ministry of Justice regarded the information of the Belarusian Helsinki Committee as being subjective in reflecting the work of the government and law enforcement agencies to maintain stability and the rule of law in the country, and deliberately distorting the actual situation in the country, as an attempt to discredit Belarus in the eyes of the world.

Conclusions:

- Election of the President of the Republic of Belarus was neither free nor democratic. The election results announced by the CEC, in no way reflect the actual will of the citizens of Belarus.

- The protest against the undemocratic and non-free election was peaceful. The citizens who had gathered in central Minsk had peaceful purposes and sought to peacefully express their opinions and protest.

- The incident with the smashing of windows in the building of the Government House was not prevented by law enforcement agencies. The evident inaction by the Interior Ministry personnel, who were present in Nezalezhnasts Square, indicates to a well-organized provocation by the authorities, used to forcibly disperse the rally and the arrests more than 700 of its participants.

- The actions of the police to disperse the demonstration were clearly disproportionate to the character. The use of physical force and special means led to a large number of wounded among the peaceful protesters.

- The attack of security services in civilian clothes on the presidential candidate Uladzimir Niakliayeu and his supporters was clearly provocative and illegal.

- The beating and arrests of virtually all the presidential candidates, the rivals of Aliaksandr Lukashenka, are nothing more than political violence.

- The criminal case under Part 1 and 2 Article 293 of the Criminal Code ("mass riots"), initiated by the KGB, is used only for long-term isolation of the leaders of the pro-democratic opposition movement, as well as a means of exerting pressure and creating the atmosphere of intimidation among the country's independent civil society, independent media and journalists, human rights defenders, as well as all the dissidents of Belarus.

- Since 19 December 2010, there has been a sharp boost in the wave of politically motivated repressions and human rights violations. This is a return of the Belarusian authorities to cruel and repressive methods of influence on the political parties, civil society and independent media.

- The number of political prisoners in the country reached a record for the period of 16 years of the reign of Aliaksandr Lukashenka and the list of prisoners is not yet final.

Petition № 1 of long-term international supervisory mission of the Human rights committee in Belarus

Acting upon the Order of the Committee of the international control of the human rights in Belarus, which unites representatives of human rights organizations from the OSCE countries and international civic organizations,

Monitoring the general situation with observance of the fundamental human rights in the Republic of Belarus, as well as the questions of protection of human rights activists and support of the professional activity of the latter,

Stressing the fact that human rights are a matter of direct and legal concern of the civil society;

Urging the government of Belarus to follow the undertaken international obligations in the sphere of human rights, and urging the participating OSCE countries to control the fulfillment of these obligations according to the principles of OSCE.

Having reviewed the first two days of its activity, long-term International supervisory Mission is expressing concern over the following issues:

According to the information that the Mission received from the Belarusian and international human rights organizations as well as the Internet mass-media, there are problems with providing medical care for the detainees, particularly Andrei Sannikau, Uladzimir Niakliayeu, Natallia Radzina and others. We would like to remind everybody that if these facts are true, then according to the international standards, they can be equated with torture or cruel and inhuman treatment. Mission urges the Government of Belarus to either acknowledge these facts or officially deny them and in any case provide the detainees and arrestees with immediate and full medical care.

The mission notes the fact of the pressure on the human rights activists and hampering their legal activity. On December 29, a well-known

Belarusian human rights activist Alena Tankachova was called into KGB office in Minsk in order to undergo interrogation, after which she gave a written undertaking not to disclose any information related to the conversation. After the interrogation, Tankachova's apartment was searched. During the search, the documents and materials, directly related to her professional human rights activities, were confiscated. The Mission believes that under current conditions, not only should the government of Belarus not impede the human rights activists' and organizations' work, but also strongly support their activity, according to the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, as well as the OSCE obligations stated in the fundamental documents of the Organization and confirmed at the Leaders Summit that took place in Astana on December 1 and 2, 2010.

In connection with the introduction of the presentation to the management of the Minsk City Bar Association by the Ministry of Justice (http://www.minjust.by/ru/site_menu/news?id=734), in which the ministry requests that some disciplinary measures are taken against a number of lawyers that defend politicians and public figures. The Mission is convinced that this kind of pressure can endanger professional activity of the independent lawyer society.

Lawyers, that lawfully defend citizens and their guaranteed rights and freedoms, according to the international standards (primarily embodied in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and confirmed by the OSCE documents) are equated with human rights activists and are to be particularly protected.

That is why the Mission is going to give special attention to guaranteeing that lawyers have fully fledged professional activities. We believe that any pressure on the lawyers may question the access to an effective legal assistance for their clients and can obstruct the administration of justice, which, as the Government of Belarus has stated, is something they seek.

The Mission urges the Government of the Republic of Belarus to act in accordance with the undertaken international obligations and prevent any violations of human rights and pressure on human rights activists as well as anyone else who carries out human rights protection.

The city of Minsk

30.12.2010

Head of Mission

Andrey Yurov

Statement No.3 of International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus

«On the situation with Human Rights defenders

and journalists in Republic of Belarus

at January 13, 2011»

Acting on behalf of the Committee on international control over the situation with Human Rights in Belarus, which unites representatives of organizations for Human Rights from the OSCE countries together international non-governmental organizations, monitoring the overall situation with the observance of fundamental human rights in the Republic of Belarus, as well as the protection of human rights and ensure their professional activities, emphasizing that human rights are the subject of direct and legitimate concern of international civil society, urging the government of Belarus to follow the undertaken international obligations in the sphere of human rights, and urging the participating OSCE countries to control the fulfillment of these obligations according to the principles of OSCE.

The International observation mission,

noting that the human rights situation in Belarus has become subject to assessment by various international organizations and institutions: the European Parliament, the three Special Rapporteurs of the UN (on the situation of human rights defenders, on the promotion and protection of the right to freedom of opinion and expression, on the independence of judges and lawyers), the Office for Democratic Institutions and Human Rights of OSCE, as well as the Committee of Ministers of the Council of Europe and the UN Secretary General Pan Gi Mun, who have expressed concern over the continued detention of journalists, presidential candidates and their agents and called for their immediate release and full respect for their human rights;

welcoming the fact that more than 100 NGOs from 20 countries of the OSCE called on the OSCE participating States to take action against the human rights situation in Belarus, including through the mechanisms of the human dimension;

expresses concerns on the following:

the Mission continues to receive information about searches of homes and offices of independent journalists and human rights defenders in various cities of Belarus, in particular, in Minsk, Grodno and Gomel;

the evidence of pressure on the families of imprisoned political opponents of the government, in particular the family of presidential candidate Andrei Sannikau and journalist Iryna Khalip of Novaya Gazeta, as well as the family of the presidential candidate Ales Mihalevich periodically appears in the media ;

there has not been an official denial of the information, prevalent in the media, that the admission of lawyers and families of the accused in a criminal case on the riots 19 December 2010, was not secured; in particular the former presidential candidates Andrei Sannikov, Uladzimir Niakliayeu and Mikalai Statkevich and journalists Aliaksandr Atroshchankau, Iryna Khalip and Natallia Radzina were not attended by lawyers since late December last year.

At the same time, the official website of the Ministry of Justice has reported that, in their view, some media publications that appear, distort information about the access to legal assistance to those under investigation in connection to the events of December 19, 2010. Ministry of Justice has thus issued a warning for violation by certain media outlets of the Law of Belarus "On Mass Media". Specific examples of information and the grounds for such warning were not specified.

Ministry of Justice also reports that it has issued a written warning to the Belarusian Helsinki Committee for violation of legislation on public associations, mass media and their own Charter, for spreading false information, defaming law enforcement and judicial authorities of the Republic - after the human rights organization has sent an appeal to the United Nations Special Rapporteur on the independence of judges and lawyers.

On television, an informational campaign was launched that seeks to convince the public of the guilt of the accused, while conclusions about a person's guilt before the end of investigation violate the principle of presumption of innocence. An example of such campaign is the demonstration of the documentary "Iron on the glass".

In connection with the above, based on the mandate of the International Observation Mission of the Committee on International Control over human rights situation in Belarus, insists that the authorities of the Republic of Belarus:

cease to use criminal prosecution and investigations to obstruct the work of human rights defenders, as well as a pretext to put pressure on political opponents and members of their families;

scrupulously ensure observance of the guarantees for human dignity for all suspects and accused, as well as their access to qualified legal assistance;

respond to reports in the media and to official appeals about human rights violations addressed to government agencies and

intergovernmental structures by investigating the actions of state bodies and officials, rather than by sanctions against the authors of the appeals.

January 14, 2011

The Representative of the Mission in the Republic of Belarus

Alexandra Delemenchuk,

Head of Mission

Andrey Yurov

Analytical note of human rights defenders concerning the conditions of transportation, trials and imprisonment of the detained participants of the action of protest on 19 December

This analytical note was prepared on the basis of the information that was obtained on 3-5 January 2011 from 73 individuals, which includes 61 questionnaires, filled in with their own hand, and personal interviews of 12 detainees.

1. Actions of law-enforcement agencies on the Nezalezhnasts Square and in some other parts of Minsk

1.1. The majority of interviewees witnessed the use of force on behalf of riot police officers while detaining people.

1.2. Police gear (truncheons) were also used towards the interviewed participants of the public meeting.

1.3. Some interviewees were random pedestrians and did not take part in the demonstration.

2. **Transportation of detainees**

2.1. As some interviewees witnessed, the number of detainees in special vehicles, which belong to Ministry of the Interior of Republic of Belarus, amounted to 70 people (while maximum number of seating places is around 30)

2.2. One interviewee claimed that the number of detained persons was 71 persons in one of the minibuses.

2.3. As the majority of interviewees stated, detainees were prevented from using toilet (with the exception of the detainees in one special police vehicle).

2.4. Almost all of interviewees claimed that the police refused water to detainees.

2.5. It took from 2 to 3 hours to transport detainees.

3. **Conditions in detention centers**

3.1. Detention center in Akrestsin Street

3.1.1. The interviewed detainees were kept in special police vehicles from 40 minutes to 3 hours.

3.1.2. After being kept in special police vehicles interviewees were compelled to stay outside for 30-40 minutes.

3.1.3. As the majority of the interviewed stated, detainees were not allowed to use toilets (except the detainees, kept in one of the special police vehicles) for about 9 hours.

3.1.4. As all interviewees witness, they were all made to stand facing the wall of the corridor and holding their hands behind their backs for 2-3 hours. After that they were allowed to sit on the floor.

3.1.5. At least 3 hours later detainees were taken for the formal procedures in groups, there they sat or lay on the floor, waiting for the formal procedures. Meanwhile, as some of the interviewed witnessed, riot police officers kicked some of the detainees, who were lying on the floor while passing them by.

3.1.6. Formal procedures regarding a part of the detainees were started 12 hours after the detention (the bulk of detention episodes took place, as interviewees witnessed, since 10 p.m. till 2 a.m.), and all this time detainees were deprived of sleep.

3.1.7. Any kind of food or water was not provided to the detainees, with an episodic exception (two interviews show that after trials in one of the police special vehicles riot police officers at their own initiative provided the arrested with food), and it was first time provided more than 30 hours after the detention.

3.1.8. Water started coming from the bathroom tub only 8 hours after the detainees had been transported to the place.

3.1.9. Relatives were not informed by the authorities about the detentions.

3.2. District police departments of Minsk

3.2.1. As interviewees state, the treatment they got from police officers was generally better than the one on behalf of riot police officers, though several witnesses claim there were some instances of battery at the Kastrychnitski District Police Department.

3.2.2. At the same time the arrested witnessed, that students were questioned by presumably KGB officers, who compelled them to read out loud the prepared text to be video recorded at risk of being expelled from higher institutions.

3.2.3. The under-aged female detainee was threatened with drowning in the toilet bowl and battery at the Kastrychnitski DPD, and her requests not to smoke addressed to the police officers, were ignored.

4. **Conditions of transportation to the courts, detention in court**

4.1. During the transportation detainees to court the number of passengers, clearly exceeded the allowable (two seats for six people)

4.2. In court buildings detainees up to 8 persons were kept in rooms designed for two or three people

5. **Trials**

5.1. Almost all respondents witnessed that the materials of administrative cases were prepared in an identical manner without taking into account the actual circumstances of detention.

5.2. The state attorney has not been provided in most cases when the interviewed detainees asked for his involvement in the process, a refusal to admit a lawyer hired by relatives of the detained was registered as well.

5.3. Witnesses for the defense weren't interrogated according to all respondents.

5.4. According to all respondents, the duration of the trials did not exceed 10-15 minutes, and the position of the defense wasn't taken into account.

5.5. The procedure of appealing the court decisions was often not explained, or explained incompletely (the defenders often weren't informed that they needed to pay the state fee, the opportunity to pay the fee wasn't given, the opportunity to apply for exemption from payment was not explained).

5.6. Copies of court decisions, according to the majority of respondents, were given at the end of the period of administrative detention (i.e., after the expiry of the appeal terms), but in the Maskouski District Court of Minsk copies of court decisions were usually given after the verdict was pronounced.

5.7. In the Zhodzina detention centre the papers for making complaints were given on the 4th day or after five days (the period of appeal is five days after the announcement of verdict), and the state attorney for the drafting of complaints was not provided.

5.8. In all recorded cases (except in cases of administrative offenses against the citizens of Russia), when complaints about judicial decisions were made, these complaints were not considered.

6. **Transportation to detention centers**

6.1. According to some respondents, the riot police officers, who were bringing prisoners to the Zhodzina detention centre, beat them at the entrance to the special police vehicle and also at the exit from it.

6.2. According to one of the arrested, he witnessed the beating of the arrested by riot police officers for the purpose of forcing him to sing the song *Sanya will be with us*.

7. **Detention**

7.1. General

7.1.1. Drinking water was not provided

7.1.2. Low quality of food service, some respondents reported cases of diarrhea among the arrested

7.1.3. Qualified medical assistance was not always provided.

7.1.4. Beddings (mattresses, blankets, bed linen) wasn't always given.

7.2. Zhodzina detention center

7.2.1. According to all respondents, the temperature was acceptable, but it was stuffy there.

7.2.2. Toiletries were not given.

7.2.3. According to many respondents, there were insects in cells (cockroaches).

7.2.4. Not all respondents were taken out for walks and those who were taken - only once every 2-3 days for 15-30 minutes in the courtyard 5x4 meters, or in the corridor.

7.2.5. In Zhodzina fluorescent lights were turned off at night, a weaker bulb was switched on.

7.2.6. Toilets in some cells consisted of a toilet bowl with a high barrier, and in some others – of a hole in the floor with a low wall (no higher than 1 m)

7.3. Detention center at the Minsk District Police Department

7.3.1. According to the respondents, during the first 3-4 days they were kept in a cold, unheated cell and had to sleep in outerwear

7.3.2. At night the light wasn't switched off.

7.3.3. According to one of the respondents, the provided food was cold, the first two days breakfast wasn't provided and was given only after statements about hunger strike

7.3.4. Walks were once a day for 15 minutes

7.3.5. Parcels were delivered not in the full extent, there were refusals to pass food.

7.3.6. Toilet was a hole in the floor with a low barrier.

7.4. Detention centre in Akrestsin Street

7.4.1. Beddings weren't always provided and even if they were given, it happened on the 3-5th day of arrest.

7.4.2. Nobody was taken for a walk.

7.4.3. Some of the respondents witnessed that arrested were held in the cold, unheated cells.

7.4.4. Access to shower was given only 1-2 times (evidence is recorded that access to shower was given only after a collective complaint), for one of the respondent it was provided only after 8-9 days.

7.4.5. Food in parcels was transferred not always and not earlier than 25.12.2010г.

7.5. Placement center for under age

7.5.1. Detained girl was held until the evening of December 2010 in a cold, unheated room.

7.5.2. Beddings were not given and the detainee had to sleep on the floor.

7.5.3. Access to shower was not provided.

7.5.4. The detainee was denied access to toiletries.

7.5.5. The relatives of the detained girl weren't informed.

Conclusions from the analyzed information

1. Most of the respondents suffered from some form of violence;

2. Conditions of transportation and detention are described by all interviewed detainees or arrested people as inhuman and degrading treatment;

3. Trials of all interviewed detainees did not meet the criteria of a fair trial and were defined by a clear accusatory bias.

3. International Resolutions

European Parliament resolution on the situation of civil society and national minorities in Belarus

14.03.2010

The European Parliament,

– having regard to its previous resolutions on the situation in Belarus, in particular that of 17 December 2009[*],

– having regard to the conclusions on Belarus reached by the General Affairs and External Relations Council at its meeting of 17 November 2009, involving a further suspension of the application of the visa ban on certain Belarusian officials, including President Alexander Lukashenko, and the extension of the restrictive measures until October 2010,

– having regard to the outcome of the 2996th Foreign Affairs Council meeting of 22 February 2010 and to the statement by the High Representative, Lady Ashton, on the situation of the Union of Poles in Belarus of 16 February 2010,

– having regard to the Declaration on the Eastern Partnership issued by the European Council on 19 March 2009 and to the Joint Declaration issued at the Prague Eastern Partnership Summit of 7 May 2009,

– having regard to the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995,

– having regard to the international principles and standards concerning national minority rights, particularly those contained in the international conventions on human rights, such as the Helsinki Final Act of 1 August 1975 (Section 1.VII), the Document of the Copenhagen

[*] Texts adopted, P7_TA(2009)0117

meeting on the Human Dimension of 29 June 1990 and the Charter of Paris for a New Europe of 21 November 1990,

– having regard to its debate on Belarus on 24 February 2010 and to the European Parliament ad hoc delegation mission to Belarus on 25-27 February 2010 and its findings,

– having regard to Rule 110(4) of its Rules of Procedure,

A. whereas, on 15 February 2010, 40 activists, mainly members of the Union of Poles in Belarus (UPB), were arrested in Belarus, including Angelika Borys (Chairwoman of the UPB), Igor Bancer (Spokesman of the UPB), Mieczyslaw Jaskiewicz (Vice-Chairman), Andrzej Poczobut (President of the UPB Supervisory Board) and Anatol Lebedzka, the leader of the opposition United Civil Party in Belarus, in order to prevent them from taking part in the trial concerning the Polish House in Ivyanets; whereas by 20 February all the activists were released,

B. whereas the UPB under the Chairmanship of Angelika Borys, who has been democratically elected twice in 2005 and in 2009, is not recognised by the state authorities and has been facing regular harassment and persecutions since 2005 and whereas its members are being repeatedly accused of illegal activities and facing criminal charges,

C. whereas the Belarusian authorities have used the police forces against the members of the UPB in Hrodna in 2005 and in Ivyanets in 2010,

D. whereas the Belarusian authorities have prevented the representatives of the UPB who were called to appear at the court session as witnesses for Mrs Teresa Sobol, Chairwoman of the local branch of the UPB in Ivyanets, from attending the trial,

E. whereas the discrimination against the Union of Poles, the largest NGO operating in Belarus, which is led by Angelika Borys, is symptomatic of the general treatment of civil society and the democratic opposition in Belarus,

F. whereas the 'Polonica', a Hrodna-based company headed by Angelika Borys, the only source of funding for the UPB, has been fined 71 m roubles for allegedly violating tax regulations and is now in danger of bankruptcy,

G. whereas the Belarusian authorities consider Stanislaw Siemaszko to be the legitimate leader of the Union of Poles and declare support for the organisation under his leadership, considered illegitimate by the Polish community,

H. whereas the representatives of the European Institutions, including Mr Jerzy Buzek, the President of the European Parliament, Baroness Ashton, Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and Mrs Cecilia Malmström, Commissioner for Home Affairs, as well as the Polish Parliament and the French Foreign Ministry, have expressed their concern about the recent actions of the Belarusian authorities against the UPB and have condemned the use of the police against its members,

I. whereas those actions of the Belarusian authorities are contrary to international standards for protection of national minorities set out, inter alia, in the Council of Europe's Framework Convention for the Protection of National Minorities of 1 February 1995, while Belarus has intensified its actions against membership of this organisation,

J. whereas the Joint Declaration of the Prague Eastern Partnership Summit, co-signed by Belarus, states in paragraph 1 that: 'The participants of the Prague Summit agree that the Eastern Partnership will be based on commitments to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms',

K. whereas the European Council in its conclusions as of 17 November 2009 recognises that new possibilities have opened up for dialogue and deepened cooperation between the European Union and Belarus, with the aim of fostering genuine progress towards democracy and respect for human rights, and reaffirms in this context its readiness to deepen

the European Union's relations with Belarus, subject to further progress towards democracy, human rights and the rule of law, as well as to assist the country in attaining these objectives,

1. Expresses its grave concern at the recent human rights violations in the Republic of Belarus against members of civil society, especially members of the Union of Poles, and declares its solidarity with citizens unable to enjoy their full civil rights;

2. Condemns the police and legal action against the Union of Poles and any attempts by the Belarusian authorities to impose a new leadership on the Polish community; demands that the Belarusian authorities re-legalise the Union of Poles in Belarus (UPB) led by Angelika Borys and ensure that its properties are returned to them in due time;

3. Reiterates its interest in an open and structured dialogue with Belarus on condition that the democratisation of the political system in Belarus leads to concrete results and reflects respect for human rights and the rule of law;

4. Urges Belarus to abide by its OSCE and international commitments in terms of the protection and promotion of the rights of its minorities; calls at the same time on the authorities to improve the conditions for the functioning of civil society, especially with regard to freedom of expression and assembly, the situation of independent media, including access to the internet, and the registration of NGOs, with a view to preparing and allowing a free and fair electoral process for the municipal elections on 25 April;

5. Repeats its call in recent resolutions, in particular those of 15 January and of 17 December 2009, to guarantee freedom of speech and association and to ensure the freedom to register political parties such as the Belarusian Christian Democracy (BDC), religious freedom and the creation of conditions conducive to the activity of civil society entities NGOs (such as 'Viasna') and independent media in Belarus;

6. Urges the Belarusian authorities to release political activists such as Andrei Bandarenko and prisoners of conscience such as Ivan Mikhailau

and Aristyom Dubski, to withdraw restrictive measures against civil society campaigners such as Tatiana Shaputsko, a participant in the Eastern Partnership's Civil Society Forum, and to refrain from measures aiming to control the content of the Belarusian sites of the World Wide Web;

7. Underlines that the EU dialogue with Belarus can be mutually beneficial and believes that Belarus can be supported in obtaining maximum benefits from the Eastern Partnership, in particular in the most effective use of funds allocated under this programme to infrastructure, energy and social projects and by application of other EU instruments and policies, provided the Belarusian authorities commit themselves to real changes in the area of freedoms, democracy, the rule of law and respect for human rights, and in particular the rights of national minorities;

8. Recalls that the European Union has already demonstrated considerable openness to engagement with Belarus, expressed also in Belarus's inclusion in the Eastern Partnership; recalls that the success of this engagement is conditional on steps towards democratisation and the upholding of human rights, including minority rights, by the Government of Belarus;

9. Points out that, if the Belarusian authorities adhere to fundamental human rights and democracy-related criteria, Belarus will benefit from the following items:

- the conclusion and ratification of the EU-Belarus Partnership and Cooperation Agreement (PCA),

- the effective utilisation of EU financial instruments such as European Investment Bank (EIB) instruments and the European Neighbourhood and Partnership Instrument (ENPI),

- the extension of European Bank for Reconstruction and Development (EBRD) financing to projects in Belarus, involving state entities,

- restoration of Generalised System of Preferences (GSP+) to Belarus,

- obtaining another tranche of the stabilisation loan from International Monetary Fund (IMF),

- the resumption of negotiations on Belarus's accession to the WTO,

- the support for the extension of the OECD programme to Belarus;

10. Attaches great importance to the liberalisation of political and civic life in Belarus and underlines that further violations of human rights and the rule of law in Belarus may lead to the revision of the EU's position towards Belarus, including reimposition of the sanctions;

11. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Parliamentary Assemblies of the OSCE and the Council of Europe, the Secretariat of the Commonwealth of Independent States and the Parliament and Government of Belarus.

Parliamentary Assembly of the Council of Europe

Resolution 1727 (2010)[*]

Situation in Belarus: recent developments

1. The Parliamentary Assembly recalls its Resolution 1671 (2009) on the situation in Belarus in which, responding to some improvements in the situation in Belarus and with a view to encouraging further progress, it sets out a new course of engagement and openness in its relations with the authorities of Belarus, while continuing to support the strengthening of Belarusian non-governmental organisations (NGOs) and civil society.

2. It also recalls its recommendation to ask the Bureau to lift the

[*] Assembly debate on 29 April 2010 (16th Sitting) (see Doc. 12223, report of the Political Affairs Committee, rapporteur: Mrs Hurskainen; and Doc. 12224, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides). Text adopted by the Assembly on 29 April 2010 (17th Sitting).

suspension of special guest status for the Parliament of Belarus provided that a moratorium on the execution of the death penalty was decreed, and reiterates its conviction that "dialogue can be sustained only through Belarus' continuous progress towards Council of Europe standards".
3. With these considerations in mind, the Assembly regrets that recent developments in Belarus show lack of progress towards Council of Europe standards and lack of political will on the part of the authorities of Belarus to embrace Council of Europe values and to make progress towards Council of Europe standards.

4. In particular, the Assembly:

4.1. condemns the executions of Andrei Zhuk and Vasily Yuzepchuk, which were carried out, in March 2010, in conditions of total secrecy and at a time when the United Nations Human Rights Committee had requested a stay in the executions pending its examination of their cases;

4.2. expresses concern at the situation of the Polish minority in Belarus, in particular as regards the repeated harassment of members of the Union of the Poles and the infringement of their rights of association and assembly;

4.3. regrets that the authorities of Belarus did not invite any international observer to monitor the April 2010 local elections;

4.4. although welcoming the renewal for an additional year of the agreement on the Council of Europe Infopoint located in the State University of Minsk, regrets that, despite continuous efforts, the Belarusian authorities have not yet authorised the establishment of the Council of Europe East European School of Political Studies in Belarus.

5. The Assembly remains ready to engage in a progressive dialogue with the authorities of Belarus in response to positive developments. It underscores, however, that there cannot be progress on dialogue without progress towards Council of Europe standards and a clear political commitment by the Belarusian authorities to embrace Council of Europe values, followed up by consistent actions.
6. In the light of recent events, the Assembly, therefore, decides to put

on hold its activities involving high-level contacts between the Assembly and the parliament and/or governmental authorities of Belarus.

7. The Assembly will continue to follow closely developments in Belarus.

European Parliament resolution of 7 October 2010 on the World day against the death penalty

P7_TA-PROV(2010)0351

7 October 2010 – Brussels

The European Parliament ,

– having regard to Protocol No 6 to the Convention for the protection of human rights and fundamental freedoms concerning the abolition of the death penalty, of 28 April 1983,

– having regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, of 15 December 1989,

– having regard to its previous resolutions on the abolition of the death penalty, in particular that of 26 April 2007 on the initiative for a universal moratorium on the death penalty,

– having regard to its resolutions of 26 November 2009 on China: minority rights and application of the death penalty, of 20 November 2008 on the death penalty in Nigeria, of 17 June 2010 on executions in Libya, of 8 July 2010 on North Korea, of 22 October 2009 on Iran, of 10 February 2010 on Iran, and of 8 September 2010 on human rights in Iran, in particular the cases of Mohammadi Ashtiani and Zahra Bahrami,

– having regard to United Nations General Assembly Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death

penalty, and United Nations General Assembly Resolution 63/168 of 18 December 2008 calling for the implementation of the 2007 General Assembly resolution 62/149,

– having regard to the UN Secretary-General's report to the General Assembly on moratoriums on the use of the death penalty, of 11 August 2010 (A/65/280),

– having regard to the UN Secretary-General's report to the fifteenth session of the Human Rights Council on the question of the death penalty, of 16 July 2010 (A/HRC/15/19),

– having regard to the speech of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission delivered in the plenary of 16 June 2010 on human rights policy, recalling that the abolition on death penalty world wide was a priority for the EU and her own personal priority,

– having regard to EP President Jerzy Buzek's declaration of 19 October 2009, making a strong appeal for the abolition of capital punishment,

– having regard to the final declaration adopted by the 4th World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010, which calls for universal abolition of the death penalty,

– having regard to the 2008 resolution of the African Commission on Human and Peoples" Rights, the 2009 resolution of the OSCE Parliamentary Assembly on a moratorium on the death penalty, and other regional initiatives such as those taken by the Inter-American Commission on Human Rights,

– having regard to the revised and updated version of the EU Guidelines on the Death Penalty, adopted by the Council on 16 June 2008,

– having regard to the World Day against the Death Penalty and the establishment of a European Day against the Death Penalty on 10 October each year,

– having regard to Article 2 of the Charter of Fundamental Rights of the European Union,

– having regard to Rule 110(4) of its Rules of Procedure,

A. whereas the European Union is strongly committed to working towards the abolition of the death penalty everywhere and is striving to achieve universal acceptance of this principle,

B. whereas the EU is the leading institutional actor in the fight against the death penalty worldwide and its action in this area represents a key priority of its external human rights policy; whereas the EU is also the leading donor in support of efforts by civil society organisations around the world to brig about the abolition of the death penalty,

C. whereas the death penalty is the ultimate cruel and inhuman and degrading punishment, which violates the right to life as enshrined in the Universal Declaration of Human Rights, and whereas the detention conditions created by the death penalty decision amount to torture that is unacceptable to states respecting human rights,

D. whereas various studies have shown that the death penalty has no effect on trends in violent crime,

E. whereas evidence shows that the death penalty affects first and foremost underprivileged people,

F. whereas the provisions of Protocols 6 and 13 to the European Convention on Human Rights prohibit Council of Europe member states from applying the death penalty,

G. whereas the EU is working towards moratoria on the application of the death penalty by third countries and, in due course, abolition and ratification of the relevant international UN and other instruments and in particular, the Second Optional Protocol to the International Covenant on Civil and Political Rights, which provides for the abolition of the death penalty,

H. whereas the abolition of the death penalty is one of the thematic priorities for assistance under the European Instrument for Democracy and Human Rights (EIDHR), which has funded over 30 projects worldwide since 1994, with an overall budget of over € 15 million,

I. whereas, following the entry into force of the Lisbon Treaty, Parliament's consent is required for the conclusion of trade agreements and, in general, international agreements with third countries,

J. whereas the Statute of the International Criminal Court and those of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Special Panels for Serious Crimes in Dili, Timor-Leste, and the Extraordinary Chambers in the Courts of Cambodia exclude the death penalty for war crimes, crimes against humanity and genocides, the most serious crimes of concern to the international community over which they have jurisdiction,

K. whereas in 2007 and 2008 the UN General Assembly adopted the historic resolutions 62/149 and 63/168, which call for a worldwide moratorium on executions and ultimately seek the abolition of the death penalty, and in this regard highlights the fact that the number of countries supporting this resolution has increased and that, as a result, Resolution 63/169 was adopted by an overwhelming majority of 106 to 46, with 34 abstentions,

L. whereas the Fourth World Congress Against the Death Penalty, which met in Geneva in February 2010, appealed to de facto abolitionist states to abolish the death penalty by statute, abolitionist states to incorporate the topic of universal abolition into their international relations, and international and regional organisations to support universal abolition through the adoption of resolutions for a moratorium on executions,

M. whereas 154 states in the world have abolished the death penalty in law or in practice, and 96 of these have abolished it for any offence, 8 have retained it only for exceptional crimes such as those committed

in wartime, 6 have a moratorium on executions in place and 44 are abolitionist in practice (i.e. countries that have not carried out any executions for at least 10 years or countries which have binding obligations not to use the death penalty),

N. whereas more than 100 countries that retain the death penalty for crimes have outlawed the execution of juvenile offenders; stressing, however, that a small number of countries continue to execute child offenders in flagrant violation of the international law, in particular of Article 6(5) of the ICCPR; stressing, in particular, that Iran has the highest rate of detention of minors,

O. whereas there are currently dozens of confirmed European nationals on death row or facing capital punishment around the world and stressing in this regard the crucial need to consolidate and strengthen the European response to the potential execution of European nationals,

P. whereas on 23 March 2010 the President of the State Duma of the Russian Federation, Boris Gryzlov, at a meeting in Moscow with members of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, said that Russia had failed to ratify the Protocol No 6 to the European Convention on Human Rights, concerning the abolition of the death penalty, in view of terrorist threats in the country,

Q. welcoming the fact that on 11 February 2010 the Parliament of Kyrgyzstan ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and that on 21 May 2010 the final draft of the Constitution, which prohibits, inter alia, the death penalty and which has now been adopted, was made public by the interim Government of Kyrgyzstan,

R. whereas 43 countries worldwide retain the death penalty and the highest number of executions took place in China, Iran and Iraq; whereas China alone carried out about 5 000 or 88% of the world total

of executions; Iran put at least 402 people to death, Iraq at least 77 and Saudi Arabia, at least 69,

S. whereas Iran is still applying death penalty by stoning, and whereas this runs contrary to the Second Optional Protocol to the International Covenant on Civil and Political Rights,

T. whereas the North Korean state authorities systematically carry out state killings and the justice system is subservient to the state, and whereas the death penalty is applied for a broad range of crimes against the state and is extended periodically by the Criminal Code, while citizens, including children, are forced to attend public executions,

U. whereas in Japan inmates and their relatives and lawyers are kept in the dark about their fateful day until it arrives,

V. whereas the Presidential Council of Iraq has recently ratified the death sentences of at least 900 prisoners, including women and children,

W. underlining that Belarus remains the only European country still applying the death penalty in practice; noting that both the Parliamentary Assembly of the Council of Europe and the European Union have repeatedly urged Belarus to abolish the death penalty; whereas details about the death penalty in Belarus are secret, there are serious concerns regarding the fairness of trials and, under the Criminal Executive Code, the death penalty is carried out in private by means of shooting, the detention facility administration informs the judge about executions and the judge informs the relatives; whereas the body of an executed person is not given for burial to his or her relatives and the place of burial is not communicated,

X. whereas 35 states out of the 50 which make up the United States of America, have the death penalty, although 4 of them have not held executions since 1976; whereas in 2009, executions increased to 52 following the termination of a de facto moratorium in force from September 2007 to May 2008 although, for the seventh consecutive

year, the number of death sentences in the United States of America decreased, to 106,

Y. welcoming the fact that some states, including Montana, New Mexico, New Jersey, New York, North Carolina and Kentucky have moved against the death penalty through measures including a moratorium on executions or its abolition, while condemning the executions of Teresa Lewis in the State of Virginia and of Holly Wood in Alabama despite evidence that both of them were mentally retarded persons, and stressing the cases of Mumia Abu-Jamal, on death row in Pennsylvania, and of Troy Davis, in Georgia,

1. Reiterates its long-standing opposition to the death penalty in all cases and under all circumstances and emphasises once again that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;

2. Condemns all executions wherever they take place; strongly calls on the EU and its Member States to enforce the implementation of the UN resolution on a universal moratorium on executions with a view to total abolition in all states which still practise the death penalty; calls on the Council and the Commission to take action in order to progressively restrict its use while insisting that it be carried out according to international minimum standards; expresses its deep concern regarding the imposition of the death penalty on minors and on persons with mental or intellectual disability and calls for their immediate and definitive ending;

3. Urges the EU to use all tools of diplomacy and cooperation assistance available to it to work towards the abolition of the death penalty;

4. Calls upon states applying the death penalty to declare an immediate moratorium on executions; further encourages countries such as China, Egypt, Iran, Malaysia, Sudan, Thailand and Vietnam to issue official statistics concerning the use of the death penalty in these countries; also urges North Korea to immediately and permanently stop public executions;

5. Calls on Japan to shed light into its system of capital punishment;

6. Encourages the states that have not abolished the death penalty to respect safeguards protecting the rights of those facing the death penalty, as laid down in the United Nations Economic and Social Council Safeguards; calls on the Council and the Commission to encourage those remaining countries which have not signed and ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights to do so, and those Member States that have not signed Protocol No 13 to the European Convention on Human Rights on the death penalty to do so;

7. Calls on OSCE member states, in particular the United States and Belarus, to adopt an immediate moratorium on executions;

8. Calls on Kazakhstan and Latvia to amend provisions in their national legislation that still allow for the imposition of the death penalty for certain crimes under exceptional circumstances;

9. Strongly encourages EU Member States and all co-sponsors of the 2007 and 2008 UNGA resolutions to introduce, in the framework of a reinforced cross-regional alliance, a third resolution on the death penalty at UNGA65 which should in priority address:

– the abolition of 'State secrets' regarding the death penalty;

– the position of a Special Envoy who would not only monitor the situation and apply pressure with a view to increased transparency within the systems of capital punishment, but also continue to persuade those who still maintain the death penalty to adopt the UN line for a moratorium on executions with a view to abolishing the death penalty;

– the 'most serious crimes' threshold for the lawful application of capital punishment;

10. Calls on the OSCE participating states to encourage the Office for Democratic Institutions and Human Rights and OSCE Missions, in

cooperation with the Council of Europe, to conduct awareness-raising activities against recourse to the death penalty, particularly with the media, law enforcement officials, policy-makers and the general public;

11. Calls on retentionist OSCE states to treat information concerning the death penalty in a transparent manner, providing public information on the identity of individuals sentenced to death or executed and statistics on the use of the death penalty, in accordance with OSCE commitments;

12. Urges the Council and the Commission, notably in view of the setting-up of the EEAS, to provide guidance for a comprehensive and effective European death penalty policy with regard to dozens of confirmed European nationals facing execution in third countries, which should include strong and reinforced mechanisms in terms of the identification system, the delivery of legal assistance, EU legal interventions and diplomatic representations;

13. Further encourages the activities of non-governmental organisations working for the abolition of the death penalty, including Hands Off Cain, Amnesty International, Penal Reform International, the World Coalition Against the Death Penalty and the International Helsinki Federation for Human Rights, Sant'Egidio and Reprieve; welcomes and supports the recommendations on EU instruments in the fight against the death penalty made at the 12th EU-NGO Forum on Human Rights;

14. Undertakes to monitor the issue of the death penalty, to raise specific cases with the relevant national authorities and to consider possible initiatives and ad hoc missions in retentionist countries, so as to urge government authorities to adopt a moratorium on executions with a view to completely abolishing them;

15. Requests the Council and the Commission, when it comes to concluding agreements with countries that still apply the death penalty or with countries which have not signed the moratorium with a view to abolishing the death penalty to strongly encourage them to do so;

16. Requests the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission and the Members States to continue to speak with one voice and to keep in mind that the main political content of the resolution must be the adoption of a worldwide moratorium as a crucial step towards the abolition of the death penalty;

17. Calls in particular on the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission to demonstrate the political priority she attaches to the abolition of the death penalty by systematically raising the issue in political contacts with retentionist countries and through regular personal interventions on behalf of those at risk of imminent execution;

18. Recalls that the full abolition of the death penalty remains one of the main objectives of the EU Human Rights policy; considers that this target will only be achieved by close cooperation between states, education, awareness-raising, efficiency and effectiveness;

19. Encourages regional cooperation to this end; points out, for example, that Mongolia formally established a moratorium on executions in January 2010 and that, as a positive consequence of this, several retentionist countries have been considering the constitutionality of this form of punishment;

20. Calls on the Council and Commission to identify ways in which to improve the implementation and effectiveness of the EU Guidelines on the Death Penalty during the current review of the EU's human rights policy, in particular in view of the planned revision of the Guidelines in 2011;

21. Calls on the Council and the Commission to use the World day and the European Day against the Death Penalty to highlight, among others, the cases of Sakineh Mohamadi Ashtiani, Zahara Bahrami, Mumia Abu-Jamal, Troy Davis, Oleg Grishkovstov, Andrei Burdyko and Ebrahim Hamidi, Suliamon Olyfemi and Siti Zainab Binti Duhri Rupa;

22. Instructs its President to forward this resolution to the High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the EU Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.

Belarus still has considerable way to go in meeting OSCE commitments, despite certain improvements, election observers say

Press-release of Office for Democratic Institutions and Human Rights of Organization for Security and Co-operation in Europe

MINSK, 20 December 2010 - Yesterday's presidential election showed that Belarus still has a considerable way to go in meeting its OSCE commitments, although some specific improvements were made, concluded the international observers from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA).

Election night was marred by the detention of most presidential candidates and hundreds of activists, journalists and civil society representatives. While voting on election day was overall assessed positively, the process deteriorated significantly during the vote count, with observers assessing almost half of vote counts monitored as bad or very bad. This undermined the steps that had been taken to improve the election.

"This election failed to give Belarus the new start it needed. The counting process lacked transparency. The people of Belarus deserved better. And, in particular, I now expect the Government to account for the arrests of presidential candidates, journalists and human rights activists," said Tony Lloyd who leads the short-term OSCE observer mission and heads the delegation of the OSCE PA.

"I had very much hoped that this time we would be able to make a more positive assessment. Unfortunately, this is not possible in light

of the flawed vote count and the authorities' heavy-handed response to yesterday's demonstrations," said Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR long-term election observation mission. He encouraged the Belarusian authorities to remain committed to their OSCE obligations and not halt the democratic reforms indispensable for bringing elections in line with international standards.

The observers noted that during the campaign, all candidates were able to convey their messages to the electorate in an unhindered manner. They could address the electorate directly through two TV debates and free airtime provided to them in an uncensored but limited format.

Nevertheless, the current president and the other contenders competed on unequal terms. There were cases of misuse of administrative resources to promote the incumbent. Nation-wide broadcasters devoted some 90 per cent of political news to the current president. The lack of media diversity reduced the possibility for voters to make an informed choice.

The Central Election Commission administered the technical aspects of the election process well and in a transparent manner, but lacked impartiality. Although the election legislation allows for a pluralistic composition of election commissions, in practice less than 1 per cent of commission members represented the opposition.

Despite some improvements in the election legislation, the legal framework still does not adequately guarantee the conduct of elections in line with OSCE commitments. Important aspects of the process are not fully regulated. This includes the lack of safeguards to ensure the integrity of early voting and the vote count.

European Parliament again urges Belarus to abolish death penalty

The European Parliament once again called on Belarus to introduce moratorium on the death penalty. This demand is set force in one of the

paragraphs of the European Parliament resolution dated to the World Day against the Death Penalty.

The resolution underlines that Belarus remains the only European country where the death penalty is still used, and reminds about the repeated calls of the PACE and the EU to abolish this inhuman penalty.

As it is stated in the document, the European Parliament is seriously concerned with the fairness of the court proceedings in Belarus and the fact that the bodies of the executed convicts aren't passed to their relatives and they aren't even provided with any information about the place of burial.

European Radio For Belarus

European Parliament resolution of 20 January 2011 on the situation in Belarus

The European Parliament ,

– having regard to its previous resolutions on the situation in Belarus, in particular that of 17 December 2009 on Belarus,

– having regard to Council decision 2010/639/CFSP of 25 October 2010 concerning restrictive measures against certain officials of Belarus, extending both the restrictive measures and suspension until 31 October 2011,

– having regard to the Conclusions of the Foreign Affairs Council of 25 October 2010,

– having regard to the Statement of the preliminary findings and conclusions on the presidential election in Belarus by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA) as of 20 December 2010,

– having regard to Rule 110 of its Rules of Procedure,

A. whereas the Prague Declaration of the Eastern Partnership Summit reaffirms the commitments, inter alia of Belarus, to the principles of international law and to fundamental values, including democracy, the rule of law and respect for human rights and fundamental freedoms,

B. whereas the Council, on 25 October 2010, ‘called on the Belarusian authorities to ensure that the (presidential) elections are conducted in line with international norms and standards for democratic elections and Belarus’s commitments in the OSCE and the UN’,

C. whereas Belarus has committed itself to consider the recommendations made by the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) regarding improvements to its electoral law in order to bring it into line with international standards for democratic elections and to consult about the proposed amendments with the OSCE; whereas the National Assembly of Belarus passed a reform of the Electoral Code without prior consultation of the OSCE,

D. whereas the Council ‘reaffirmed its readiness to deepen its relations with Belarus depending on developments in Belarus towards democracy, human rights and the rule of law as well as its readiness to assist the country in attaining these objectives. Subject to progress in Belarus in these areas, it stood ready to take steps towards upgrading contractual relations with Belarus’,

E. whereas the Council, after evaluating developments in Belarus, has decided to extend the restrictive measures against certain Belarusian officials but to suspend the application of the restrictions on travelling to the EU, both until 31 October 2011,

F. whereas according to the OSCE PA and OSCE/ODIHR ‘Statement of the preliminary findings and conclusions on the presidential election in Belarus’ some improvements took place in the run-up to the elections but they were overshadowed by the serious irregularities on the voting day and the violence that erupted on the night of 19 December,

G. whereas over 700 persons were detained for their participation in the demonstration on 19 December in Minsk, most of whom have been released after serving short administrative sentences while 24 opposition activists and journalists, including 6 presidential candidates, have been charged for 'organising mass disorder' accompanied by violent attacks and armed resistance that could carry prison sentences of up to 15 years; whereas a further 14 persons may soon be charged,

H. whereas the police crackdown on the demonstration of 19 December 2010 and further measures taken by the law enforcement agencies against democratic opposition, free media and civil society activists were condemned by the President of the European Parliament, the EU High Representative and the UN General Secretary,

I. whereas the lawyers representing protesters, the political opposition or their families are faced with the threat of losing their licence/being debarred,

1. Considers, in line with the findings of the Preliminary Conclusions of the OSCE PA and OSCE/ODIHR, that the Presidential elections of 19 December 2010 failed to meet international standards of free, fair and transparent elections; considers this vote as yet another missed opportunity for a democratic transition in Belarus and calls, in the light of numerous and serious irregularities reported by OSCE/ODIHR, that new elections be held on the free and democratic conditions according to the OSCE standards;

2. Condemns the use of brutal force by the police and KGB services against the protesters on Election Day, in particular expresses its indignation over a brutal attack on Mr Niakliayeu, both examples of the severe violation of basic democratic principles, such as freedom of assembly and freedom of expression, as well as of human rights, and expresses its concern at the attempts of the Belarusian authorities to take into state custody Danil Sannikov, three-year-old son of the Presidential candidate Andrei Sannikov, and Irina Khalip, an investigative journalist, who have both been jailed since the 19 December election; is particularly concerned about the health of Mikalay Statkevich, who has been on hunger strike for the last 31 days;

3. Strongly condemns the arrest and detention of peaceful protesters and most of the presidential candidates (e.g. Uladzimir Niakliayeu, Andrei Sannikov, Mikalay Statkevich and Aleksey Michalevich); the leaders of the democratic opposition (e.g. Pavel Sevyarynets and Anatoly Lebedko), as well as great number of civil society activists, journalists, teachers and students facing sentences up to 15 year prison; calls for an independent and impartial international investigation into the events under the auspices of the OSCE; calls for politically motivated charges to be immediately dropped;

4. Condemns the repressions and urges the Belarusian authorities to stop immediately all forms of harassment, intimidation or threats against civil society activists including raids, searches and confiscation of materials in private apartments, outlets of independent media and offices of civil society organisations as well as expulsions from universities and workplaces;

5. Demands an immediate and unconditional release of all those detained during Election Day and in its aftermath including the prisoners of conscience recognised by Amnesty International; calls on the Belarusian authorities to provide unhindered access for the detainees to relatives, legal assistance and medical care;

6. Regrets the decision of the Belarusian authorities to terminate the mission of the OSCE Office in Belarus and calls on the Belarusian authorities to withdraw this decision;

7. Condemns the blockage of a number of major Internet websites, including networking channels and opposition websites, on Election Day in Belarus; underlines that current media legislation in Belarus does not comply with the international standards and therefore calls on the Belarusian authorities to revise and amend it;

8. Calls on the Council, the Commission and the EU High Representative to review EU policy towards Belarus including consideration of targeted economic sanctions and the freezing of all the macrofinancial aid provided via IMF loans as well as lending operations

by the EIB and EBRD programmes; underlines that the orientation of the ENP and national assistance for Belarus should be redirected in order to ensure appropriate support for civil society; reiterates the importance of the effective use of the European Instrument for Democracy and Human Rights;

9. Calls on the Commission to support, with all financial and political means, the efforts of Belarusian civil society, independent media (including TV Belsat, European Radio for Belarus, Radio Racja and others) and non-governmental organisations in Belarus to promote democracy and oppose the regime; sees the necessity to step up and facilitate the relations of Belarusian NGOs| with the international NGO community; at the same time calls on the Commission to halt ongoing cooperation and to withdraw its assistance provided to the state-owned media in Belarus; at the same time, the Commission should finance the reprinting and distribution of poetry books by Uladzimir Niakliayeu which were recently confiscated and thrown into fire by the Belarusian authorities;

10. Calls on the European Commission to develop a mechanism of registration of NGOs that are denied registration in Belarus for political reasons, in order to enable them to benefit from the EU programmes;

11. Urges the Commission to continue and increase financial aid to the European Humanities University (EHU) based in Vilnius, Lithuania, to increase the number of scholarships for Belarusian students, repressed for their civic activities and expelled from universities and to contribute to the ‘Solidarity with Belarus’ donors‘ conference in Warsaw (2/02/2011) and the following conference in Vilnius (3-4/02/2011);

12. Calls on the Council, the Commission and the EU High Representative to immediately re-apply the visa ban on the Belarusian leading authorities expanding it to the state officials, members of judiciary and security officers who can be considered responsible for the vote-rigging and post-election brutal repressions and arrests of the members of the opposition and to freeze their assets; points out the sanctions should remain in force minimum until all political prisoners

and detainees are released and exempted from charges; welcomes the good example of the Polish Government which imposed its own travel restrictions to the representatives of the Minsk regime and at the same time simplified access to the European Union for the Belarusian citizens;

13. Calls on the Council to consider the possibility of suspending Belarusian participation in the Eastern Partnership activities no later than at the Eastern Partnership summit in Budapest if it there is not an acceptable explanation and considerable improvement of the situation in Belarus; this suspension not apply to NGOs and civil society;

14. Calls on the Commission and the Council to intensify work on the negotiations directives for the readmission agreement an for visa facilitation, which include affordable visa fees order to enhance people-to-people contacts;

15. Expects EU Member Countries not to weaken the EU action with bilateral initiatives with the Belarusian regime that undermine the credibility and effectiveness of the European foreign policy;

16. Expresses its opinion that sport events, like the World Ice Hockey Championships in 2014, should not be held in Belarus while there are political prisoners in that country;

17. Regrets the move on the part of the Russian Federation in recognising the elections and description of the repression as an ‘internal affair’; recommends that the European Commission engage in dialogue, consultations and political coordination with the non-EU neighbours of Belarus, who traditionally have special relations with that country and are also partners of the EU, namely Russia and Ukraine, in order to maximise the efficiency of EU policy towards Belarus and to cooperate in properly balancing the reaction against the democratic deficit and human rights violations in Belarus with the need to avoid the latter’s international isolation;

18. Instructs its President to forward this resolution to the Council, the Commission, EU HR, EU Member States, the President, Government

and Parliament of Belarus and the Parliamentary Assemblies of the Council of Europe and the OSCE.

Parliamentary Assembly of the Council of Europe

Resolution 1790 (2011)*

27 January 2011

The situation in Belarus in the aftermath of the presidential election

1. The Parliamentary Assembly is dismayed by the unprecedented wave of violence, intimidation, mass arrests and prosecution of political opponents, human rights defenders, media workers, students and citizens of Belarus that followed the announcement of the results of the presidential election that took place in Belarus on 19 December 2010.

2. Over 600 people were arrested, including presidential candidates, whereas assaults and searches were carried out in the homes of opposition leaders, human rights defenders and journalists, as well as on the premises of several non-governmental organisations and media outlets. In the month that followed the election, the crackdown continued in a more targeted way and today still shows no signs of relenting. Such a violent repression of the political protests and targeted crackdown on political opponents, human rights defenders and media workers constitutes not only a disproportionate response to the action of the protesters but also an outright disregard for the core values upheld by the Council of Europe.

3. Welcoming the European Parliament Resolution of 20 January 2011 on the situation in Belarus, the Assembly in particular condemns the

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* *Assembly debate* on 27 January 2011 (8th Sitting) (see Doc. 12494, report of the Political Affairs Committee, rapporteur: Mrs Hurskainen; and Doc. 12503, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides). Text adopted by the Assembly on 27 January 2011 (8th Sitting).

detention by security forces since 19 December 2010 of Irina Khalip, internationally recognised journalist with the Russian newspaper *Novaya Gazeta*, and the brutally wounded presidential candidate Andrei Sannikov, as well as the authorities' threat to put their 3-year-old son into a state orphanage. The Assembly also condemns the continued detention of Natalya Radina, editor of the website Charter 97, who was detained when the office of this website was raided by security forces in Minsk on 20 December 2010.

4. The Assembly reiterates its conviction that political freedoms need to be fully respected and that all individuals and groups must be able to exercise peacefully their rights to freedom of expression and assembly, including when harshly criticising the authorities and the conduct of the elections.

5. The Assembly regrets that, according to the Organization for Security and Co-operation in Europe's (OSCE) preliminary assessment of the latest presidential election, Belarus, despite some specific improvements in the election system and during the electoral campaign, still has a considerable way to go to meet the OSCE commitments, including a number of key international standards for democratic elections, such as transparency and accountability in the vote count. The elections were marked by the lack of equitable access to the media for all candidates and the unfair use of state resources to support the incumbent president.

6. The Assembly also deplores the Belarusian authorities' decision not to prolong the mandate of the OSCE office in Minsk, which has maintained a presence in Belarus since 1998.

7. In the light of the above, the Assembly urges the Belarusian authorities to:

7.1. release immediately all opposition candidates and their supporters, journalists and human rights defenders detained on political grounds;

7.2. cease harassment and intimidation of opposition politicians, media and civil society representatives;

7.3. conduct a transparent investigation into the abusive and disproportionate use of force by police and security forces against the demonstrators;

7.4. stop expelling students from universities and dismissing people from their work place due to their participation in the protest;

7.5. reconsider their decision to close the OSCE office in Minsk and extend its mandate in 2011 and beyond;

7.6. complete the reform process of electoral legislation and practice by taking into account the full set of recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the European Commission for Democracy through Law (Venice Commission);

7.7. hold to account the alleged perpetrators of the disappearances of Yuri Zakharenko, Victor Gonchar, Anatoly Krasovsky and Dmitri Zavadsky, in line with Resolution 1371 (2004) on disappeared persons in Belarus;

7.8. declare a moratorium on executions as the first step towards the abolition of the death penalty, in line with Resolution 1671 (2009) on the situation in Belarus.

8. The Assembly is convinced that any sanctions and restrictions in contacts and interactions with those responsible for the events, including the country's highest officials, should not lead to further isolation of the Belarusian people.

9. The Assembly is also convinced of the usefulness of smart sanctions targeting those personally responsible for the most flagrant acts of repression, provided they are inflicted following a fair and transparent procedure. It therefore invites all Council of Europe member states, including those which are not members of the European Union, to join the European Union's targeted sanctions against Belarusian officials.

10. The Assembly therefore resolves to strengthen dialogue with Belarus' democratic forces, civil society, opposition groups, free media, and human rights defenders. In the same vein, the Assembly calls on all Council of Europe member states to:

10.1. maintain and foster dialogue with Belarus' civil society and invest in people-to-people contacts with Belarus at all levels;

10.2. consider facilitating the granting of visas to the ordinary citizens of Belarus, as well as the possibility of establishing temporary safe havens for threatened political opponents, human rights defenders and media workers;

10.3. encourage universities to open their doors to Belarusian students who have been expelled for political activities;

10.4. support the continuation of the OSCE's office in Minsk under its established mandate;

10.5. explicitly refrain from recognising the election result of the presidential elections in Belarus;

10.6. encourage and support efforts to collect and preserve evidence against perpetrators of serious human rights violations in view of targeted sanctions and future criminal prosecutions.

11. As far as its own relations with Belarus are concerned, the Assembly recalls that, in its Resolution 1727 (2010) on the situation in Belarus: recent developments, adopted in April 2010, following a debate under urgent procedure prompted mainly by the execution of two prisoners in March 2010, it decided to put on hold its activities involving high-level contacts between itself and the Belarusian authorities, reiterating that there cannot be progress on dialogue with the Belarusian authorities without progress towards Council of Europe standards.

12. In view of the current additional serious setbacks, the Assembly reaffirms its decision to put on hold its activities involving high-level

contacts with the Belarusian authorities. It further calls on the Bureau of the Assembly not to lift the suspension of the special guest status for the Parliament of Belarus:

12.1. until a moratorium on the execution of the death penalty has been decreed by the competent Belarusian authorities;

12.2. until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

13. The Assembly calls on all the political parties of the member states of the Council of Europe and the European Parliament to take active measures in supporting their sister parties in Belarus by strengthening the personal assistance to the imprisoned leaders and their family members, providing financial support for the functioning of the parties, and inviting them to participate actively in European meetings of the parties at all levels.

European Union Council conclusions on Belarus

3065th FOREIGN AFFAIRS Council meeting

Brussels, 31 January 2011

The Council adopted the following conclusions:

"1. Recalling its previous conclusions on Belarus and in particular its Conclusions of October 2010 and the Statement by High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton on 20 December, as well as other EU statements regarding the Presidential elections of 19 December 2010 and its violent aftermath, the Council deeply regrets that, according to OSCE/ODIHR, the Presidential elections demonstrated that Belarus still has a considerable way to go in meeting its OSCE commitments. In particular the electoral process deteriorated significantly during the vote count, undermining the steps taken to improve the conduct of the elections.

2. The Council particularly deplores that the election night was marred by violence by the Belarusian authorities. It strongly condemns the arrest of many presidential candidates, hundreds of activists, journalists and civil society representatives, as well as the ensuing detention and harassment of the opposition, independent media and civil society on political grounds.

3. The Council reiterates its demands for the immediate release of those detained on politicalgrounds following the elections on 19 December, and their rehabilitation. The Council urges Belarus to respect the rights of detainees and their families, paying particular attention to detainees' children, and the right to legal representation. Furthermore, it underlines the need to ensure the access of family members to the detainees. The Council calls on the Belarusian authorities to end the persecution of democratic forces, independent media and representatives of civil society, and students, and to end any penalisation or discrimination against those exercising their right to freedom of expression and freedom of assembly, including the leaders of the opposition parties.

4. The EU regrets the decision of the Belarusian authorities not to renew the mandate of the OSCE Office in Minsk. The EU strongly believes that the mandate of the OSCE Office has not yet been fulfilled and calls for an urgent reversal of this decision by the Belarusian authorities.

5. In view of these recent events and developments, the Council has decided to impose travel restrictions and an asset freeze against persons responsible for the fraudulent Presidential elections of 19 December 2010 and the subsequent violent crackdown on democratic opposition, civil society and representatives of independent mass media. The Council has also decided to reinstate the travel restrictions imposed on certain persons in Belarus in relation to the elections in 2004 and 2006 and the crackdown on civil society and democratic opposition, which had been suspended since 13 October 2008 in order to encourage progress. These restrictive measures and the list of persons targeted will be kept open and under constant review. The Council underlines that the release and rehabilitation of all people detained on political grounds would be

an essential element in this regard. This, along with progress towards further reforms of the Electoral Code, the freedom of expression and of the media, the freedom of assembly and association, would pave the way for the lifting of the restrictive measures.

6. The European Union remains strongly committed to strengthening its engagement with the Belarusian people and civil society. The EU is therefore working on measures to provide urgent support to those repressed and detained on political grounds and their families, as well as support to civil society. It will also review its assistance to Belarus which is aimed at addressing the needs of the population, in order to further strengthen support to civil society, targeting in particular NGOs and students, including through the International Donors' Conference in Warsaw on 2 February.

7. The Council recalls the importance it attaches to facilitating people-to-people contacts with Belarus to the benefit of the Belarusian population at large. It looks forward to the start of negotiations for visa facilitation and readmission agreements with Belarus, once the negotiating directives have been adopted. Pending the conclusion of such agreements, the EU will encourage the optimal use of the existing flexibilities offered by the Visa Code, in particular the possibilities for Member States to waive and reduce visa fees for certain categories of citizens.

8. The EU remains committed to its policy of critical engagement, including through dialogue and the Eastern Partnership, and recalls that the EU has consistently offered to deepen its relationship with Belarus. The Council reiterates that such a deepening is conditional on progress towards respect by the Belarusian authorities for the principles of democracy, the rule of law and human rights. The Union remains open to developing bilateral relations with Belarus, provided the Belarusian authorities prove their willingness to respect these principles. The Council will regularly re-examine the situation in Belarus and stands ready to consider further targeted measures in all areas of cooperation as appropriate.

List of figurants of politically motivated criminal cases

Accused in the criminal case upon Article 293, parts 1 and 2 of the Criminal Code of the Republic of Belarus, 'mass riot'

1. Aliaksandr Arastovich – M.Statkevich's electioneering agent. Was released from custody on 15 February on a non-leave recognizance.

2. Aliaksandr Atroshchankau – the press-secretary of the electoral team of Andrei Sannikau. Is kept in custody in the KGB pre-trial prison. Was given charges under Article 293, part 2, 'participation in mass riot'.

3. Dzmitry Bandarenka – a coordinator of the civil campaign *European Belarus* (in custody in the KGB jail).

4. Artyom Breus – a citizen of the Russian Federation, was detained on 19 December and sentenced to 10-day arrest. Was released from jail on 29 December together with other Russian citizens. Detained again in half an hour within the framework of the criminal case and held in custody in the pre-trial prison in Valadarski Street in Minsk. On 5 January was given charges under Article 293, part 2 of the Criminal Code.

5. Dzmitry Bulanau – served 10 day of arrest, on 12 January detained as suspect in mass riot case. Is kept in custody in the pre-trial prison in Valadarski Street.

6. Dzmitry Drozd – an activist of the electoral team of Andrei Sannikau. Served 10-day arrest for participation in the protest action. On 1 February arrested for 3 days as a suspect in the criminal case under Article 293, part 2 (participation in mass riot). Is kept in the pre-trial prison in Valadarski Street.

7. Andrei Dzmitryieu – the head of the electoral headquarters of Uladzimir Niakliayeu (released on a written recognizance not to leave).

8. Aleh Fedarkevich – a participant of the 19 December action. The ruling for 10-day arrest was abolished and he was presented criminal charges. Is kept in custody in the pre-trial prison in Valadarski Street.

9. Aliaksandr Fiaduta – political analyst, a coordinator of the electoral team of Uladzimir Niakliayeu (in custody in the KGB jail)

10. Ivan Gaponov – a citizen of the Russian Federation, was detained on 19 December and sentenced to 10-day arrest. Was released from jail on 29 December together with other Russian citizens. Detained again in an hour within the framework of the criminal case and held in custody in the pre-trial prison in Valadarski Street in Minsk. On 5 January was given charges under Article 293, part 2 of the Criminal Code.

11. Artsiom Hrybko – served 10-day arrest for participation in the 19 December protest, on 12 January detained as an accused in the mass riot case, currently in custody in the pre-trial prison in Valadarski Street.

12. Siarhei Kazakou – an activist of the *European Belarus* , detained on 27 January as a suspect in the mass riot criminal case, currently in custody in the pre-trial prison in Valadarski Street.

13. Iryna Khalip – journalist, wife of Andrei Sannikau, previously in custody, since 29 January under house arrest.

14. Uladzimir Khamichenka – served 15-day arrest, was given charges (according to information of the Main Police Department of the Minsk City Executive Committee). In custody.

15. Ales Kirkevich – a *Hrodna* activist of the *Young Front*, served 10-day arrest for participation in the 24 December solidarity rally, on 28 January detained as a suspect in the mass riot criminal case, currently in custody in KGB pre-trial prison.

16. Aliaksandr Klaskouski – former policeman (in custody in the KGB pre-trial prison)

17. Uladzimir Kobets – the head of the electoral team of Andrei Sannikau, on 26 January released on recognizance not to leave.

18. Aleh Korban – a leader of the youth organization of the United Civil Party, *Young Democrats*. On 7 January was released on recognizance not to leave.

19. Aliaksandr Kviatkevich – served 12-day arrest for participation in the 19 December rally, detained on 4 January as a suspect in the 19 December mass riot case, officially charged, currently in custody in the KGB pre-trial prison.

20. Anatol Liabedzka – Chair of the United Civil Party. Is kept in custody in the KGB pre-trial prison.

21. Mikita Likhavid – an activist of the *For Freedom*. *On 21 February* the verdict for 15-day administrative arrest was abolished and he was made an accused in the case. Is kept in custody in the pre-trial prison in Valadarski Street.

22. Uladzimir Loban – served 10-day arrest, officially charged in the mass riot case. Is kept in custody in the pre-trial prison in Valadarski Street.

23. Aliaksandr Malchanau – a participant of the 19 December protest action. Arrested on 6 January at home in Barysau within the framework of the criminal case. Is kept in custody in the KGB pre-trial prison. Received charges under Artice 293, part 2.

24. Siarhei Martsaleu – the head of the electoral team of Mikalai Statkevich. Is kept in custody in the KGB pre-trial prison.

25. Dzmitry Miadzvedz – was detained within the framework of the mass riot criminal case after serving 10-day arrest. On 6 January received official charges under parts 1 and 2 of Article 293. Is kept in custody in the pre-trial prison in Valadarski Street.

26. Aliaksei Mikhalevich – presidential candidate. Was kept in custody in the KGB pre-trial, on 19 February was released on recognizance not to leave.

27. Fiodar Mirzayanau – served 15-day arrest for participation n the protest action. On 25 January was guarded for an interrogation, after which was

detained for 3 days as a suspect in the criminal case. On 1 February was given charges. Is kept in custody in the pre-trial prison in Valadarski Street.

28. Uladzimir Niakliayeu – presidential candidate, previously in custody, since 29 January under house arrest.

29. Dzmitry Novik – detained late at night on 23 December at home in Baranavichy as a suspect in the criminal case. On 30 December was presented charges under Article 293, part 2. Is kept in custody in the pre-trial prison in Valadarski Street.

30. Nasta Palazhanka – Deputy Chair of the *Young Front*. Was kept in custody in the KGB pre-trial jail. On 17 February was released on recognizance not to leave.

31. Vasil Parfiankou – an activist of the electoral team of Uladzimir Niakliayeu. Was detained on 4 January as a suspect. Is kept in custody in the pre-trial prison in Valadarski Street. Was presented charges under Article 293, part 2.

32. Anatol Paulau – electioneering agent of Yaraslau Ramanchuk. On 7 January was released on recognizance not to leave.

33. Andrei Pazniak – was fined about $350, after the New Year vacations was placed to the pre-trial prison in Valadarski Street and presented charges under Article 293 of the Criminal Code.

34. Natallia Radzina – journalist, editor of the website *charter97.org*, previously in custody, on 28 January released on recognizance not to leave

35. Vital Rymasheuski – presidential candidate, released on a written recognizance not to leave.

36. Andrei Sannikau – presidential candidate. Is kept in custody in the KGB pre-trial prison.

37. Pavel Seviarynets – electioneering agent of Vital Rymasheuski. Is kept in custody in the KGB pre-trial jail.

38. Mikalai Statkevich – presidential candidate. Is kept in custody in the KGB pre-trial prison.

39.Illia Vasilevich – served 10-day arrest, on 12 January detained for 3 days as a suspect in mass riot criminal case, currently in custody in the pre-trial prison in Valadarski Street.

40. Siarhei Vazniak – electioneering agent of Uladzimir Niakliayeu, on 29 January released on recognizance not to leave.

41. Pavel Vinahradau – an activist of the civil campaign *Speak Truth*, received charges under Article 293, part 1 & 2 on 11 January, currently in custody in the pre-trial prison in Valadarski Street.

42. Uladzimir Yaromenak – an activist of the *Young Front*. Served 15-day arrest for participation in the solidarity action of 20 December, and spent 7 more days in the delinquents' isolation center following an interrogation at the KGB as a witness in the criminal case. On 28 January detained as a suspect in the case and presented official charges. Is kept in custody in the pre-trial prison in Valadarski Street.

Suspects in the criminal case upon Article 293, parts 1 and 2 of the Criminal Code of the Republic of Belarus, 'mass riot'

1. Dzimitry Apishau – served 11-day arrest On 31 December was declared a suspect. On 6 January his apartment was searched. Currently under a written recognizance not to leave.

2. Anton Davydzenka – detained as a suspect in the criminal case after serving 10-day arrest, previously in custody for 2 days, on 31 December released on recognizance not to leave

3. Aleh Hnedchyk – in custody between 6 and 9 January, interrogated as a suspect in the criminal case (gave a written recognizance not to leave)

4. Usevalad Kavalenka – a possible suspect in the criminal case, served 15-day arrest (gave a written recognizance not to leave)

5. Ryhor Kastusiou – presidential candidate (gave a written recognizance not to leave)

6. Siarhei Kliuyeu – informed about his status as a suspect on 3 January, after serving 15-day arrest (gave a written recognizance not to leave)

7. Mikita Krasnou – his status as a suspect in the case was mentioned in the search warrant presented by KGB officers on 27 December (currently abroad)

8. Andrei Mikalayeu – detained in the evening of 11 January after a search in his house, put to the detention center in Akrestsin Street. Was released on 14 January under a written recognizance not to leave.

9. Leanid Navitski – an electioneering candidate of Andrei Sannikau (currently abroad)

10. Dzianis Shydlouski – served 10-day arrest for participation in the protest action. On 2 February was detained for 3 days as a suspect in the criminal case (in custody)

11. Dzmitry Uss – presidential candidate (gave a written recognizance not to leave)

12. Aliaksandr Vasileuski -- served 15 days, on 12 January detained at home as a suspect in the mass riot criminal case, released on 14 January.

Article 293, 'mass riot'

1. The organization of the mass riot which was accompanied with violence against people, demolition, arsons, defilement of property and armed resistance to representatives of the authority, -

is punished by 5-15 years of imprisonment.

2. Participation in mass riot which manifested in the direct implementation of the actions that were mentioned in part 1 of the article, - is punished by 3-8 years of imprisonment.

Accused in the criminal case upon Article 339, part 3 of the Criminal Code, 'hooliganism'

1. Dzmitry Dashkevich – Chair of the *Young Front*

2. Eduard Lobau – activist of the *Young Front*

Both of them were detained on 18 December and are in the status of accused since 6 January.

Article 339, 'hooliganism'

1. Deliberate actions that grossly violate the public order and demonstrate an evident disrespect to the society, which are accompanied with the use of violence or the threat of its use or destruction or waste of property of other people, or are defined by an exceptional cynicysm (hooliganism), -

2. Hooliganism, committed repeatedly or by a group of persons or connected with resistance to a person that stops the hooligan actions, or accompanied with the infliction of a less hard bodily injuries (malignant hooliganism)

3. The actions that are provided by parts 1 and 2 of the article, committed with the use of weapons and other items that are used as a weapon for infliction of bodily injuries, with the use of explosives or explosive devices or are committed with the threat of their use, in the absence of the traits of a harder crime (especially malignant hooliganism) are punished with 3-10 years of imprisonment.

The Human Rights Center Viasna *is a non-governmental human rights organization that was established in April 1996, following the mass actions of protest which were held by the democratic opposition in Belarus and ended with arrests. At first the organization was called* Viasna-96 *and dealt with rendering assistance to families of the repressed.*

On 15 June 1999 the organization was registered as the Human Rights Center Viasna *– a national public association with a central office in Minsk and regional offices in the majority of large cities and towns of Belarus.*

On 28 October 2003 the Human Rights Center Viasna *was groundlessly dissolved by the Supreme Court because of participation in the monitoring of the presidential election 2001. On 6 March the Human Rights Center* Viasna *received the status of a member of the International Federation for Human Rights (FIDH). On 24 April Ales Bialiatski, Chair of the HRC* Viasna*, was elected vice-President of this influential international organization.*

IN July 2007 the UN Human Rights Committee concluded that the forced dissolution of Viasna *is a violation by the state of Article 22, paragraph 1 of the International Covenant on Civil and Political Rights, and that its members had the right to adequate means of legal defense including the re-registration of* Viasna *and compensation.*

As a result, the human rights organization made three attempts to register with the state. However, in violation of the decision of the UN Human Rights Committee, the Ministry of Justice of Belarus thrice refused to register the Human Rights Center Viasna *during the recent years. The appropriate rulings of the Ministry of Justice were appealed at the Supreme Court, but were left standing. In summer 2009, after the last registration denial, the human rights defenders stated that they had acted and would continue acting on behalf of the Human Rights Center* Viasna *irrespective of the legal status.*

The Human Rights Center *Viasna*